Page 2 Page 1 IN THE UNITED STATES DISTRICT COURT APPEARANCES: FOR THE NORTHERN DISTRICT OF OHIO ROBBINS GELLER RUDMAN & DOWD LLP EASTERN DIVISION BY: MATTHEW S. MELAMED, ESQUIRE KELLI BLACK, ESQUIRE Post-Montgomery Center One Montgomery Street, Suite 1800 IN RE: NATIONAL : HON. DAN A. POLSTER San Francisco, California 94104 PRESCRIPTION OPIATE : (415) 288-4545 mmelamed@rgrdlaw.com 6 LITIGATION kblack@rgrdlaw.com Representing the Plaintiffs APPLIES TO ALL CASES : NO. 8 WAGSTAFF & CARTMELL LLP ·1·17-MD-2804 9 BY: JONATHAN P. KIEFFER, ESQUIRE - HIGHLY CONFIDENTIAL -SARAH RUANE, ESQUIRE 10 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW 4740 Grand Avenue, Suite 300 Kansas City, Missouri 64112 11 (816) 701-1100 December 13, 2018 jpkieffer@wcllp.com 12 Representing the Plaintiffs 13 Videotaped sworn deposition of MORGAN LEWIS & BOCKIUS, LLP DAVID A. MYERS, JR., taken pursuant to BY: STACEY ANNE MAHONEY, ESQUIRE 101 Park Avenue 14 notice, was held at LIEFF CABRASER 15 New York, New York 10178-0060 HEIMANN & BERNSTEIN, LLP, 250 Hudson (212) 309-6930 Street, 8th Floor, New York, New York, 16 stacey.mahoney@morganlewis.com AND beginning at 9:15 a.m., on the above 17 BY: LIZA B. FLEMING, ESQUIRE date, before Margaret M. Reihl, a 1701 Market St. Philadelphia, Pennsylvania 19103-2921 Registered Professional Reporter, 18 (215) 963-4610 Certified Shorthand Reporter, Certified 19 liza.fleming@morganlewis.com Realtime Reporter, and Notary Public. Representing the Defendant Teva 20 KIRKLAND & ELLIS LLP BY: ERICA B. ZOLNER, ESQUIRE PRATIK GHOSH, ESQUIRE 21 GOLKOW LITIGATION SERVICES 22 300 North LaSalle Street 877.370.3377 ph | 917.591.5672 fax Chicago, Illinois 60654 2.3 (312) 862-3247 deps@golkow.com erica.zolner@kirkland.com Representing the Defendant Allergan Page 3 Page 4 1 APPEARANCES: (cont'd) TELEPHONIC APPEARANCES: 2 2 ARNOLD & PORTER KAYE SCHOLER LLP WILLIAMS & CONNOLLY LLP 3 BY: DAVID FAUVRE, ESQUIRE 601 Massachusetts Ave, NW 3 BY: JOEL S. JOHNSON, ESQUIRE 4 Washington, DC 20001-3743 725 Twelfth Street, N.W. (202) 942-5041 4 Washington, D.C. 20005 5 david.fauvre@arnoldporter.com Representing the Defendants, Endo (202) 434-5091 6 Health Solutions; Endo 5 jjohnson@wc.com Pharmaceuticals, Inc.; Par Representing the Defendant, 7 Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. 6 Cardinal Health 8 JONES DAY REED SMITH LLP BY: CHRISTIAN W. SAUCEDO, ESQUIRE 10 8 BY: CHRISTOPHER J. LOVRIEN, ESQUIRE Three Logan Square 555 South Flower Street 11 1717 Arch Street 9 Fiftieth Floor Philadelphia, Pennsylvania 19103 (215) 851-8262 12 Los Angeles, California 90071-2452 csaucedo@reedsmith.com 10 (213) 489-3939 13 Representing the Defendant, cjlovrien@jonesday.com AmerisourceBergen Drug Corp. 14 11 Representing the Defendant, Walmart COVINGTON & BURLING LLP 15 12 BY: CLAYTON BAILEY, ESQUIRE 13 16 The New York Times Building 620 Eighth Avenue New York, New York 10018-1405 (212) 841-1285 ALSO PRESENT: HENRY MARTE, VIDEOGRAPHER 14 17 15 18 16 cbailey@cov.com Representing the Defendant, McKesson Corporation 17 19 18 20 BARON BUDD, P.C. 19 21 BY: GRETCHEN KEARNEY, Paralegal 20 600 New Hampshire Avenue, NW 21 22 Suite 10A Washington, D.C. 20037 2.2 23 (202) 333-4562 23 gkearney@baronbudd.com 24 2.4 Representing the Plaintiffs

	Dago 5	Page 6
	Page 5	
1 2	I N D E X WITNESS PAGE	1 EXHIBITS (cont'd) 2 Allergan-Myers DESCRIPTION PAGE
3	DAVID A. MYERS, Jr.	3 Myers-8 E-mail string, top one
	By Mr. Melamed 9	dated 12/14/09 4 Subject, RE: Actavis Brand
4	By Mr. Kieffer 356	Project update
5 6	EXHIBITS	5 ALLERGAN_MDL_01234649 120 6 Myers-9 E-mail string, top one
7	Allergan-Myers DESCRIPTION PAGE	dated 7/14/10
8		7 Subject, FW: June CY 2010 Acquired_Actavis_01373039 124
	Myers-1 Plaintiffs' Amended Notice	8 8
9	of Oral Videotaped Fact Deposition of David Myers 15	Myers-10 E-mail string, top one 9 dated 7/27/10
10	Deposition of David Wyers 13	Subject, RE: Fentanyl VA
	Myers-2 Personnel file of David Myers	10 Mailer and 7/26/10 Weekly
11	ALLERGAN_MDL_SUPP_0000810 26	Status 11 ALLERGAN_MDL_01235205 128
12	Myers-3 E-mail dated 9/13/12, with attached Resume of David Myers	12 Myers-11 E-mail string, top one
13	Acquired_Actavis_00626098 33	dated 7/29/10 13 Subject, Re: Fentanyl
14	Myers-4 Chart, "Special Recognition	Advertising - DSN Pl
	Recipients"	14 Info Needed Acquired_Actavis 00954338 147
15 16	Acquired_Actavis_00661681 88 Myers-5 E-mails dated 6/16/09	15
1 10	Subject, FW: Kadian - New	Myers-12 E-mail dated 9/13/10  16 Subject, Re: Buprenorphine
17	Option for Marketing	advertisement
1.0	ALLERGAN MDL 01192443 107	17 Acquired_Actavis_01373136 154 18 Myers-13 2011 Budget Launches
18	Myers-6 E-mails dated 3/17/10	ALLERGAN_MDL_01211800 187
19	Subject, FW: CDER New	19 Myers-14 E-mail dated 6/20/11
	March 16, 2010	20 Subject, Oxymorphone
20 21	ALLERGAN_MDL_02463212 116	Launch Preparation 21 ALLERGAN_MDL_03684488 203
21	Myers-7 FDA Warning Letter dated 2/18/10	22 Myers-15 E-mail string dated
22	ACT AVIS0799203 118	7/7/2011 23 Subject, PDQ Quote For
23		Your Review
24		24 ACTAVIS1130369 226
	Page 7	Page 8
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	Page 9		Page 10
1	THE VIDEOGRAPHER: We are now on	1	Q. My name is Matt Melamed from the
2	the record. My name is Daniel	2	law firm Robbins Geller Rudman & Dowd, and I
3	Holmstock, I am the videographer for	3	represent plaintiffs in this matter.
4	Golkow Litigation Services. Today's	4	Can you state your full name and
5	date is December 3th, 2018, and the time	5	your address for the record, please.
6	on the video screen is 9:15 a.m. This	6	A. My name is David Allen Myers,
7	video deposition is being held at 250	7	
8	Hudson Street, the eighth floor, New	8	
9	York, New York in the matter of In Re:	9	Q. And what is your current
10	National Prescription Opiate Litigation.	10	occupation?
11	It's pending before the United States	11	A. I am associate director of
12	District Court for the Northern District	12	marketing.
13	of Ohio, Eastern Division.	13	Q. At what company?
14	The deponent today is Mr. David	14	A. Teva Pharmaceuticals.
15	Myers. Counsel will be noted on the	15	Q. And where is your business
16	stenographic record for appearances.	16	address?
17	The court reporter is Peg Reihl,	17	A. 400 Interpace Parkway, Building
18	who will now administer the oath.	18	A, Parsippany, New Jersey.
19	DAVID A. MYERS, JR., having been	19	Q. You understand you're under oath,
20	duly sworn as a witness, was examined and	20	correct?
21	testified as follows:	21	A. Yes, I do.
22	BY MR. MELAMED:	22	Q. Are you taking any medication, or
23	Q. Good morning.	23	is there any other reason that would interfere
24	A. Good morning.	24	with your ability to answer fully and truthfully
	Page 11		Page 12
1	today?	1	A. Yes.
2	A. No.	2	Q. Did it have anything to do with
3	Q. If I ask you a question during	3	opioids?
4	the course of today's deposition that you don't	4	A. Yes.
5	understand, please ask me to clarify. It's my	5	Q. Can you tell me the name of the
6	job to ask clear questions, okay?	6	litigation, please?
7	A. Understood.	7	A. I don't remember the name of the
8	Q. Have you ever testified at a	8	litigation.
9	in a deposition before?	9	Q. Was Teva a plaintiff in the
10	A. Once before.	10	litigation, if you know?
11	Q. About how long ago was that?	11	A. No.
12	A. Within the year.	12	Q. Was it a defendant in the
13	Q. And what was the substance of	13	litigation, if you know?
14	what did the substance of the deposition	14	A. No.
15	concern?	15	Q. It was a third party?
16	MS. MAHONEY: Objection.	16	A. It was a third party.
17	THE WITNESS: I was a witness in	17	MS. MAHONEY: Objection.
18	a separate litigation.	18	THE WITNESS: Yes.
19	BY MR. MELAMED:	19	BY MR. MELAMED:
20	Q. Did it involve Teva?	20	Q. And you understand that while
21	A. Teva was not the target of the	21	your counsel you've done so and you've
22	of the deposition.	22	demonstrated this understanding, but while
23	<ul> <li>Q. Did you provide testimony because</li> </ul>	23	counsel may make objections, you're still
O 4	-f	_ ^ 4	
24	of your experience at Teva?	24	required to answer the question after she

	Page 13		Page 14
1	objects, unless she instructs you not to answer	1	in which you were deposed? Was it a personal
2	and you decide to follow that instruction.	2	injury matter, for instance, or a patent matter,
3	A. Understood.	3	et cetera?
4	Q. Okay. You've also done a very	4	MS. MAHONEY: Objection.
5	good job of waiting for me to finish my	5	MS. ZOLNER: Object to the form.
6	question, even when I pause, I appreciate that.	6	THE WITNESS: As I understand it,
7	I know it's unnatural. I will try and do you	7	it was two other groups that were making
8	the same the same courtesy, and I apologize	8	a charge against the brand company Endo
9	in advance if I have to remind you or remind	9	and their actions they took to prevent
10	myself to allow each other to finish, okay?	10	generic Opana from coming to the market.
11	A. Understood. The day is young.	11	BY MR. MELAMED:
12	Q. You mentioned that that	12	Q. Do you know the you mentioned
13	deposition in which you appeared concerned	13	two other groups. Do you know the identity of
14	opioids, correct?	14	those two other groups?
15	A. Yes.	15	A. I know essentially what they did.
16	Q. Did it concern specific opioids?	16	I don't know their formal names. One was one
17	MS. MAHONEY: Objection.	17	I believe was a consumer advocacy group, and the
18	THE WITNESS: Yes.	18	other represented wholesalers and distributors.
19	BY MR. MELAMED:	19	That's what I believe.
20	Q. What opioids did it concern?	20	Q. And you testified truthfully in
21	A. Generic Opana ER, oxymorphone	21	that deposition, correct?
22	extended release.	22	A. Of course.
23	Q. Do you know the do you have	23	Q. Have you ever testified in any
24	any understanding of the nature of the lawsuit	24	other trial or legal proceeding?
	,		
	Page 15		Page 16
1	MS. MAHONEY: Objection.	1	before?
1 2	MS. MAHONEY: Objection. THE WITNESS: No.	1 2	before? A. Yes.
	· ·		
2	THE WITNESS: No.	2	A. Yes.
2 3	THE WITNESS: No. BY MR. MELAMED:	2	<ul><li>A. Yes.</li><li>Q. And when do you recall first</li></ul>
2 3 4	THE WITNESS: No. BY MR. MELAMED: Q. Who are the people seated with	2 3 4	A. Yes. Q. And when do you recall first seeing this?
2 3 4 5	THE WITNESS: No. BY MR. MELAMED: Q. Who are the people seated with you today?	2 3 4 5	A. Yes. Q. And when do you recall first seeing this? A. Yesterday.
2 3 4 5 6	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for	2 3 4 5 6	<ul><li>A. Yes.</li><li>Q. And when do you recall first seeing this?</li><li>A. Yesterday.</li><li>Q. And you understand that you're</li></ul>
2 3 4 5 6 7	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here	2 3 4 5 6 7	<ul> <li>A. Yes.</li> <li>Q. And when do you recall first seeing this?</li> <li>A. Yesterday.</li> <li>Q. And you understand that you're here today to testify as a result of this the</li> </ul>
2 3 4 5 6 7 8	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?	2 3 4 5 6 7 8	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct?
2 3 4 5 6 7 8	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?	2 3 4 5 6 7 8 9	<ul> <li>A. Yes.</li> <li>Q. And when do you recall first seeing this?</li> <li>A. Yesterday.</li> <li>Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct?</li> <li>A. Yes.</li> </ul>
2 3 4 5 6 7 8 9	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by	2 3 4 5 6 7 8 9	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with
2 3 4 5 6 7 8 9 10	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?  A. They're representing my company.	2 3 4 5 6 7 8 9 10	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today?
2 3 4 5 6 7 8 9 10 11	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?  A. They're representing my company.  Q. Are you personally represented by any attorneys here today?	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of
2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?  A. They're representing my company.  Q. Are you personally represented by any attorneys here today?  A. No.	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?  A. They're representing my company.  Q. Are you personally represented by any attorneys here today?  A. No.  (Document marked for identification as Myers Deposition Exhibit No. 1.)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: No.  BY MR. MELAMED:  Q. Who are the people seated with you today?  A. Counsel for Teva and counsel for Allergan.  Q. Are they your attorneys here representing you today?  A. They're representing my company.  Q. Are you personally represented by any attorneys here today?  A. No.  (Document marked for identification as Myers Deposition Exhibit No. 1.)  BY MR. MELAMED:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by any attorneys here today? A. No. (Document marked for identification as Myers Deposition Exhibit No. 1.)  BY MR. MELAMED: Q. I'm going to hand you what's been	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note that's where to show up and what time?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by any attorneys here today? A. No. (Document marked for identification as Myers Deposition Exhibit No. 1.)  BY MR. MELAMED: Q. I'm going to hand you what's been marked as Exhibit Number 1.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note that's where to show up and what time? A. A note that I wrote, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by any attorneys here today? A. No. (Document marked for identification as Myers Deposition Exhibit No. 1.)  BY MR. MELAMED: Q. I'm going to hand you what's been marked as Exhibit Number 1. A. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note that's where to show up and what time? A. A note that I wrote, yes. Q. And there's nothing else on that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by any attorneys here today? A. No. (Document marked for identification as Myers Deposition Exhibit No. 1.) BY MR. MELAMED: Q. I'm going to hand you what's been marked as Exhibit Number 1. A. Okay. Q. Exhibit Number 1 is titled	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note that's where to show up and what time? A. A note that I wrote, yes. Q. And there's nothing else on that note, other than the time and location?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: No.  BY MR. MELAMED: Q. Who are the people seated with you today? A. Counsel for Teva and counsel for Allergan. Q. Are they your attorneys here representing you today? A. They're representing my company. Q. Are you personally represented by any attorneys here today? A. No. (Document marked for identification as Myers Deposition Exhibit No. 1.)  BY MR. MELAMED: Q. I'm going to hand you what's been marked as Exhibit Number 1. A. Okay. Q. Exhibit Number 1 is titled  Plaintiffs' Amended Notice of Oral Videotaped	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And when do you recall first seeing this? A. Yesterday. Q. And you understand that you're here today to testify as a result of this the notice reflected in Exhibit 1, correct? A. Yes. Q. Did you bring any documents with you today? A. No. I let me clarify, I brought my briefcase over at the other side of the room, but there are no documents pertaining to this litigation, other than where to show up and what time. Q. And is that a handwritten note that's where to show up and what time? A. A note that I wrote, yes. Q. And there's nothing else on that note, other than the time and location? A. The time and location and contact

Page 17 Page 18 1 counsel in advance of this litiga -- in advance 1 No. Α. 2 of this deposition? 2 Q. You mentioned that you reviewed 3 3 A. No. documents during that -- yesterday's preparation 4 Q. So what did you do to prepare to 4 for today's deposition, correct? 5 be deposed today? 5 A. Yes. 6 MS. MAHONEY: Objection. 6 Q. Did you review any depositions 7 THE WITNESS: I met with the 7 given in this matter during your preparation 8 counsels for both Teva and Allergan, who 8 yesterday? 9 took me through some of the documents. 9 A. No. 10 10 MS. MAHONEY: I want to caution Q. Did you review any reports or 11 you not to share any of the discussion 11 memoranda issued by experts pertaining to this, 12 12 this litigation when you were -- during your or content. You can tell him that we 13 met and for how long. 13 preparation yesterday? THE WITNESS: Okay. We met 14 14 MS. ZOLNER: Object to the form. 15 yesterday from 9:30 till approximately 15 MS. MAHONEY: Object. THE WITNESS: No, not that I 16 5:00, 5:30. 16 17 BY MR. MELAMED: 17 remember. 18 Q. And that meeting yesterday from 18 BY MR. MELAMED: 19 9:30 to 5:30 approximately was with counsel from 19 Q. Did you review any court 20 both Teva and Allergan? 20 documents during your preparation yesterday? 21 A. Yes, sir. 21 Could you define a court 22 Did you have any phone 22 document? Q. 23 conversations with anyone pertaining to this 23 Q. Sure. I'll ask it more 24 deposition prior to yesterday? 24 specifically. Page 19 Page 20 1 Did you review anything that you 1 being deposed today? 2 know to have been filed in this court -- let me 2 MS. MAHONEY: Objection. 3 withdraw that. 3 THE WITNESS: Yes. 4 Did you review anything that you 4 BY MR. MELAMED: 5 know to have been filed in court in this case 5 What types of documents did you Q. 6 during your preparation yesterday? 6 look for? 7 7 A. No. The only thing I'm aware of This was quite some time ago when 8 that is a court document is this one you handed 8 the collection of documents was going on and I 9 me previously, which is my summons, I believe. 9 was requested to pull anything that I had 10 Q. Fair enough. 10 pertaining and hand it over to counsel. 11 Did you review any electronic 11 Q. Who made that request? 12 records yesterday, and by that I mean things on 12 A. I don't remember. Probably the 13 a computer that weren't necessarily printed out 13 legal team at Teva. I was asked --14 as documents for you to review? 14 MS. MAHONEY: We don't need to get into attorney-client communication. 15 A. No. 15 16 THE WITNESS: Okay. Thank you. Did you review any databases 16 17 yesterday in your preparation? 17 BY MR. MELAMED: 18 MS. MAHONEY: Objection. 18 Q. Just to be clear, I'm not -- I'm 19 THE WITNESS: No. 19 not asking for the substance of your 20 20 communications with your attorneys. BY MR. MELAMED: 21 Q. Have you looked in your own 21 A. Okay, understood, thank you. 22 personal paper or electronic files to identify 22 Thank you. 23 documents that might be relevant to the opioid 23 When you conducted that search, 24 litigation for which -- pursuant to which you're 24 you provided all of the documents that you found

	Page 21		Page 22
1	in your search to counsel; is that correct?	1	Q. Have you spoken to anybody, aside
2	A. Yes.	2	from your lawyers with whom you met yesterday,
3	Q. Do you know whether those	3	about this deposition?
4	documents have been produced during discovery in	4	A. I spoke to my boss, not about the
5	this litigation?	5	deposition, but to tell him that I was being
6	MS. MAHONEY: Objection.	6	deposed and the dates that I would be out of the
7	THE WITNESS: I'm not sure.	7	office and to make sure that I was okay to make
8	BY MR. MELAMED:	8	travel arrangements.
9	Q. When did you first learn you were	9	Q. Did you speak to any family
10	going to be deposed in this litigation?	10	members about today's deposition?
11	A. I don't remember the exact date.	11	A. Yes.
12	I know that investigation had been going on for	12	Q. With whom did you speak?
13	some time.	13	A. I spoke to my partner, not about
14	Q. Approximately when, was it	14	the substance, but about that I would be
15	this within the last month, prior to the last	15	deposed.
16	month, et cetera?	16	Q. Anyone else?
17	MS. MAHONEY: Objection.	17	A. Not that I recall.
18	THE WITNESS: Probably within the	18	Q. Was anyone aside from your
19	last three to four months, I believe. I	19	from lawyers for Teva and Allergan present
20	can't be sure of the date again.	20	during yesterday's meeting?
21	BY MR. MELAMED:	21	A. No.
22	Q. Fair enough.	22	Q. There was no one from either
23	Do you recall how you learned?	23	the from either Teva or Allergan themselves
24	A. No.	24	at the meeting?
			-
	Page 23		Page 24
			1490 21
1	A. No.	1	Q you've had to travel for the
1 2	<ul><li>A. No.</li><li>Q. Other than you?</li></ul>	1 2	
			Q you've had to travel for the
2	Q. Other than you?	2	Q you've had to travel for the deposition?
2	<ul><li>Q. Other than you?</li><li>A. Other than me.</li></ul>	2	Q you've had to travel for the deposition?  A. Yes.
2 3 4	<ul><li>Q. Other than you?</li><li>A. Other than me.</li><li>Q. Are you being reimbursed by</li></ul>	2 3 4	<ul><li>Q you've had to travel for the deposition?</li><li>A. Yes.</li><li>Q. Were you compensated by anyone</li></ul>
2 3 4 5	<ul><li>Q. Other than you?</li><li>A. Other than me.</li><li>Q. Are you being reimbursed by anyone for your expenses in connection with this</li></ul>	2 3 4 5	Q you've had to travel for the deposition? A. Yes. Q. Were you compensated by anyone for your time in connection for review
2 3 4 5 6	<ul><li>Q. Other than you?</li><li>A. Other than me.</li><li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li></ul>	2 3 4 5 6	Q you've had to travel for the deposition? A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your
2 3 4 5 6 7	<ul> <li>Q. Other than you?</li> <li>A. Other than me.</li> <li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li> <li>A. Yes.</li> </ul>	2 3 4 5 6 7	Q you've had to travel for the deposition?  A. Yes.  Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?
2 3 4 5 6 7 8	<ul> <li>Q. Other than you?</li> <li>A. Other than me.</li> <li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li> <li>A. Yes.</li> <li>Q. What expenses are you being</li> </ul>	2 3 4 5 6 7 8	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary,
2 3 4 5 6 7 8	<ul> <li>Q. Other than you?</li> <li>A. Other than me.</li> <li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li> <li>A. Yes.</li> <li>Q. What expenses are you being reimbursed for?</li> </ul>	2 3 4 5 6 7 8 9	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific.
2 3 4 5 6 7 8 9	<ul> <li>Q. Other than you?</li> <li>A. Other than me.</li> <li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li> <li>A. Yes.</li> <li>Q. What expenses are you being reimbursed for?</li> <li>A. Teva will pay for my hotel and</li> </ul>	2 3 4 5 6 7 8 9	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your
2 3 4 5 6 7 8 9 10	<ul> <li>Q. Other than you?</li> <li>A. Other than me.</li> <li>Q. Are you being reimbursed by anyone for your expenses in connection with this deposition?</li> <li>A. Yes.</li> <li>Q. What expenses are you being reimbursed for?</li> <li>A. Teva will pay for my hotel and for specific meals up to a certain amount within</li> </ul>	2 3 4 5 6 7 8 9 10	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?
2 3 4 5 6 7 8 9 10 11	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit.	2 3 4 5 6 7 8 9 10 11	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary.
2 3 4 5 6 7 8 9 10 11 12 13	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will	2 3 4 5 6 7 8 9 10 11 12 13	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for?	2 3 4 5 6 7 8 9 10 11 12 13 14	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two days?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?  MS. MAHONEY: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two days? MS. MAHONEY: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?  MS. MAHONEY: Objection.  THE WITNESS: No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two days? MS. MAHONEY: Objection. THE WITNESS: Breakfast, lunch	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two days?  MS. MAHONEY: Objection. THE WITNESS: Breakfast, lunch and dinner would be appropriate.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED: Q. Have you ever received any
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Other than you? A. Other than me. Q. Are you being reimbursed by anyone for your expenses in connection with this deposition? A. Yes. Q. What expenses are you being reimbursed for? A. Teva will pay for my hotel and for specific meals up to a certain amount within a limit. Q. And how many nights of hotel will Teva pay for? A. Two. Q. And loosely equivalent number of meals the day the meals for approximately two days?  MS. MAHONEY: Objection. THE WITNESS: Breakfast, lunch and dinner would be appropriate. BY MR. MELAMED:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q you've had to travel for the deposition?  A. Yes. Q. Were you compensated by anyone for your time in connection for review searching your documents to provide your attorneys that you referred to earlier?  A. No. Well, I earned my salary, and it was done on work time, so to be specific. Q. No compensation other than your salary?  A. No, my salary. Q. Yes, thank you for the clarification.  Have you ever received any compensation from any opioid manufacturer to be a speaker at a conference?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED: Q. Have you ever received any compensation from any opioid distributor to be a

	Page 25		Page 26
1	THE WITNESS: No.	1	THE WITNESS: No.
2	BY MR. MELAMED:	2	BY MR. MELAMED:
3	Q. Have you ever received	3	Q. What about trips, have you ever
4	compensation from any pharmacy to be a speaker	4	received any compensation or been provided a
5	at a conference?	5	trip by any opioid manufacturer, other than the
6	A. No.	6	one that you that you are presently employed
7	Q. Have you ever received any	7	by?
8	compensation from any opioid manufacturer other	8	MS. MAHONEY: Objection.
9	than Actavis and its associated companies or	9	THE WITNESS: No.
10	Teva and its associated companies?	10	BY MR. MELAMED:
11	MS. MAHONEY: Objection.	11	Q. Have you ever attended any
12	THE WITNESS: No.	12	training sessions specific to opioids in any
13	BY MR. MELAMED:	13	way?
14	Q. Have you ever received dinners	14	A. No.
15	from any opioid manufacturer, other than the one	15	(Document marked for
16	that was presently employing you?	16	identification as Myers Deposition
17	A. No.	17	Exhibit No. 2.)
18	Q. Have you ever received any	18	BY MR. MELAMED:
19	dinners from any distributor of opioids?	19	Q. I'm going to hand you what's been
20	A. No.	20	marked as Myers Exhibit 2.
21	Q. Same question for pharmacy, have	21	For the record, Myers Exhibit 2
22	you ever received any dinners from any	22	is a it appears to be several hundred pages
23	pharmacies?	23	of documents beginning at
24	MS. MAHONEY: Objection.	24	ALLERGAN_MDL_SUPP_00000810.
	Page 27		Page 28
			1 dgC 20
1	I'll represent to you that these	1	knowledge. I wouldn't know.
1 2	are your personnel file that was produced in	1 2	knowledge. I wouldn't know. MR. MELAMED: Counsel, I'll
2 3	are your personnel file that was produced in litigation.		knowledge. I wouldn't know.  MR. MELAMED: Counsel, I'll represent to you that our search of the
2	are your personnel file that was produced in litigation.  Just an initial question, if you	2	knowledge. I wouldn't know.  MR. MELAMED: Counsel, I'll represent to you that our search of the privilege log didn't reflect the reason
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Page 29 Page 30 1 same precise documents as the version 1 you prepared on or about June 1993? 2 that's been marked as Exhibit 2? 2 A. No. 3 3 MS. ZOLNER: That's my Do you know who prepared this Q. 4 understanding, yes. 4 resume? 5 BY MR. MELAMED: 5 A. I prepared this resume, but it 6 Q. All right. If you could turn to б wasn't prepared on June 1993. 7 the page -- I'm going to refer to Bates numbers 7 Q. Do you know when it was prepared? 8 during the liti -- during the deposition. Those 8 A. Oh, I'm sorry. I'm sorry. Yes, 9 are the numbers that are stamped at the bottom 9 yes, on or about June 1993. I'm sorry. 10 10 of -- bottom right corner of these pages. Carefully read the document. 11 11 Yeah. Q. Yeah, and I'll rep -- I'll A. 12 12 If you turn to the page with the represent to you, so counsel is comfortable with 13 Bates number ending 830. 13 this and so you're comfortable, my intent with 14 14 MS. MAHONEY: And, for the this document, this voluminous document is just 15 record, counsel, because I can't flip 15 to look at these few pages for -- at this point 16 16 through all these pages, are you in time. So, hopefully, you don't need to flip 17 representing that this is a complete 17 through the rest of it. 18 compilation of the document from Bates 18 MS. MAHONEY: We'll proceed until 19 number ending 810 through 1121, and that 19 we do need to flip through the rest of 20 20 no pages are missing? 21 MR. MELAMED: Yes. 21 MR. MELAMED: Fair enough. 22 BY MR. MELAMED: 22 BY MR. MELAMED: 23 Q. So this appears to -- let me ask 23 Q. So if you turn to 831, the second 24 this as a question: Is this your resume that 24 page of the resume. It states that you received Page 31 Page 32 1 1 your education at Edinboro University in as summer employment, correct? 2 2 Pennsylvania; is that correct? A. Yes. 3 3 If you turn to 830, the remainder A. Yes. 4 And you majored in computer 4 of your professional experience up to 1993 was O. 5 science and minored in math, correct? 5 at a company called Ecocenters Corporation in 6 6 Beachwood, Ohio; is that correct? A. Yes. 7 And then you attended Cleveland 7 A. Yes. Q. 8 State University from 1997 to 19 -- I'm sorry --8 What did Echocenters Corporation Q. 9 1987 to 1988 as a part-time student, correct? 9 do at that time? 10 10 A. They were a computer services 11 11 firm which specialized in electronic printing, Q. Did you receive your -- a degree from either institution? 12 12 typesetting and advertising, mailing 13 A. 13 advertising. 14 Q. And then working up your -- what 14 And by the time you left, you had worked your way up to be an account manager, 15 appears to be your professional experience 15 section, which is referred to on 830 and work 16 16 correct? 17 17 up, you worked as an order entry supervisor --A. 18 18 I'm sorry. Let me withdraw that. And as an account manager, you 19 19 were the primary customer contact for certain You worked from 1985 to 1987 at 20 20 Leichtung, Incorporated in Warrensville, Ohio; customers of Ecocenters Corporation? 21 is that correct? 21 Yes, after the salesperson had 22 22 received a signed contract, they were turned A. Yes. 23 And before that you worked as a 23 over to me to manage their business. Q. 24 teller at Central National Bank during college, 24 You can put this document aside.

1	Page 33		Page 34
1	(Document marked for	1	reflect your did you prepare those pages?
2	identification as Myers Deposition	2	Let me start there. Did you prepare the pages
3	Exhibit No. 3.)	3	at 099 and 100?
4	BY MR. MELAMED:	4	A. I believe so.
5	Q. I'm handing you what's been	5	Q. And this is your resume, correct?
6	marked as Exhibit 3, which is the first page	6	A. A former resume.
7	is an e-mail from David Myers to an e-mail	7	Q. A resume up through
8	address esthilaire@lupinusa.com?	8	September 13th, 2012; is that accurate?
9	A. Yes.	9	A. Yes.
10	Q. Sent September 13, 2012, starts	10	Q. And so after leaving Ecocenters,
11	at Bates number Acquired_Actavis_00626098, and	11	you were hired by a company called Alpharma,
12	then there's an attachment thereto that starts	12	correct?
13	the next Bates number is 099 and continues	13	
14		14	A. Yes. It was more commonly known as Barre-NMC at the time, I believe.
15	through 0100.		•
	Do you recognize this document?	15	Q. Can you spell that for me?
16	A. Yes.	16	A. Barre is spelled B-a-r-r-e-N, as
17	Q. You sent this to somebody because	17	in Nancy, M as in Mary, C as in cream.
18	you were interested in potentially securing	18	Q. Is there a point at which
19	employment at that person's company, correct?	19	Barre-NMC became more commonly known as
20	MS. MAHONEY: Objection.	20	Alpharma?
21	THE WITNESS: Yes.	21	A. Yes.
22	BY MR. MELAMED:	22	Q. About when did that happen?
23	Q. And the second and third pages of	23	A. I think in 1996.
24	this exhibit, which are 099 and 100 reflect a	24	Q. Do you rem do you recall the
	Page 35		Page 36
1	reason that that happened?	1	MS. ZOLNER: Objection.
2	MS. ZOLNER: Objection,	2	THE WITNESS: Susan Barret is now
3	foundation.	3	
		)	Susan Cameen, and she owns her own
4	THE WITNESS: It wasn't a change	4	Susan Cameen, and she owns her own business.
	THE WITNESS: It wasn't a change in company ownership. I believe it was		business.
5	in company ownership. I believe it was	4 5	business. BY MR. MELAMED:
5 6	in company ownership. I believe it was just a uniting the company under one	4 5 6	business. BY MR. MELAMED: Q. Do you know when she left
5 6 7	in company ownership. I believe it was just a uniting the company under one name.	4 5 6 7	business. BY MR. MELAMED: Q. Do you know when she left Alpharma?
5 6 7 8	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:	4 5 6 7 8	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall.
5 6 7 8 9	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from	4 5 6 7 8 9	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job
5 6 7 8 9	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional	4 5 6 7 8 9	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided
5 6 7 8 9 10 11	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional experience listed on this resume, so we're on	4 5 6 7 8 9 10	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided superior customer service to assigned
5 6 7 8 9 10 11 12	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional experience listed on this resume, so we're on page ending Bates Number 100.	4 5 6 7 8 9 10 11	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided superior customer service to assigned pharmaceutical wholesalers." We'll start there.
5 6 7 8 9 10 11 12 13	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional experience listed on this resume, so we're on page ending Bates Number 100.  A. Yes.	4 5 6 7 8 9 10 11 12 13	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided superior customer service to assigned pharmaceutical wholesalers." We'll start there. A. Yes.
5 6 7 8 9 10 11 12 13	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional experience listed on this resume, so we're on page ending Bates Number 100.  A. Yes.  Q. It says sales associate,	4 5 6 7 8 9 10 11 12 13 14	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided superior customer service to assigned pharmaceutical wholesalers." We'll start there. A. Yes. Q. Do you recall who the assigned
5 6 7 8 9 10 11 12 13 14	in company ownership. I believe it was just a uniting the company under one name.  BY MR. MELAMED:  Q. So you were, starting again from the first in time item on your professional experience listed on this resume, so we're on page ending Bates Number 100.  A. Yes.  Q. It says sales associate, Alpharma, Baltimore, Maryland?	4 5 6 7 8 9 10 11 12 13 14 15	business. BY MR. MELAMED: Q. Do you know when she left Alpharma? A. I don't recall. Q. Your description of your job during this time period is that you "provided superior customer service to assigned pharmaceutical wholesalers." We'll start there. A. Yes. Q. Do you recall who the assigned pharmaceutical wholesalers were?
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	Page 37		Page 38
1	Coast sales manager"?	1	in tandem for any issues he had with his
2	A. Yes.	2	customers. I was almost like what you might
3	Q. Was the West Coast sales manager	3	refer to as an assistant.
4	the person you just identified as Susan	4	Q. And then you were in that
5	formerly Susan Barret?	5	position from 1993 to '94?
6	A. No.	6	A. Mm-hmm.
7	Q. Who is the West Coast sales	7	Q. And then proceeded to become a
8	manager, if you recall?	8	sales specialist from 1994 to '99, correct?
9	A. I believe his name was Dwight	9	A. Yes.
10	Nix.	10	Q. Was that a promotion?
11	Q. Do you know if Dwight Nix do	11	A. Yes.
12	you know what Dwight Nix's current employment	12	Q. Do you recall who you reported to
13	is?	13	at that time?
14	MS. MAHONEY: Objection.	14	A. No.
15	THE WITNESS: I do not know.	15	Q. The description states that you
16	BY MR. MELAMED:	16	"provided all aspects of customer service to
17	Q. Do you recall how you supported	17	assigned accounts as well as sales of OTC
18	his marketing and sales efforts?	18	private label products," correct?
19	A. Yes.	19	A. Yes.
20	Q. What did you do?	20	Q. What do you mean by "all aspects
21	A. Essentially, I reported to Susan	21	of customer service"?
22	Barret, but I was teamed with a salesperson,	22	A. It would include all of the
23	Dwight Nix, and every account that he was	23	aspects that were in the previous position, so
24	assigned to, I was assigned to, so we would work	24	order availability, product availability,
	Page 39		- 40
	rage 39		Page 40
1		1	prescription.
1 2	shipping status, tracing, things like that, any issues that the customer might bring about their	1 2	
	shipping status, tracing, things like that, any		prescription.
2	shipping status, tracing, things like that, any issues that the customer might bring about their	2	prescription.  Frequently, national retailers
2 3	shipping status, tracing, things like that, any issues that the customer might bring about their orders in, orders out. That would be the aspect	2	prescription.  Frequently, national retailers like Walgreens or Rite Aid will offer products
2 3 4	shipping status, tracing, things like that, any issues that the customer might bring about their orders in, orders out. That would be the aspect of the sales or of the customer service portion.	2 3 4	prescription.  Frequently, national retailers like Walgreens or Rite Aid will offer products with their label on it or their you know,
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2 3 4 5 6	shipping status, tracing, things like that, any issues that the customer might bring about their orders in, orders out. That would be the aspect of the sales or of the customer service portion.  Q. Do you recall the assigned accounts to whom you provided that service?	2 3 4 5 6	prescription.  Frequently, national retailers like Walgreens or Rite Aid will offer products with their label on it or their you know, their branding, and we would manufacture those for them.  Q. The second sentence of your description states that you "communicated new
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	shipping status, tracing, things like that, any issues that the customer might bring about their orders in, orders out. That would be the aspect of the sales or of the customer service portion.  Q. Do you recall the assigned accounts to whom you provided that service?  A. No.  Q. Was there a geographical designation for those accounts?  A. I don't believe so.  Q. Do you recall whether they were national accounts?  A. Yes, some were.  Q. Do you recall the identity of those some accounts that were national or some of the accounts that were national?  A. Yes.  Q. Who were they?  A. I believe Walgreens, Rite Aid were two of them.  Q. And what are OTC private label products?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	prescription.  Frequently, national retailers like Walgreens or Rite Aid will offer products with their label on it or their you know, their branding, and we would manufacture those for them.  Q. The second sentence of your description states that you "communicated new products information and pricing changes to pharmaceutical buyers"?  A. Yes.  Q. How would you do that?  A. I believe through e-mail and letters, written type notices.  Q. Was there a regularly scheduled written notice, do you recall, during that time period?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't really recall anything of that nature. BY MR. MELAMED: Q. After working as a sales

	Page 41		Page 42
1	A. Yes.	1	MS. MAHONEY: Objection.
2	Q. Was that position a promotion?	2	THE WITNESS: I think that
3	A. Yes.	3	that your question is vague in a way. I
4	Q. Do you recall who you reported	4	was a senior sales associate who had
5	to?	5	responsibility for all accounts, but I
6	A. I don't recall his name.	6	wasn't the only person managing those
7	Q. Did you have any reports in this	7	accounts. So I wanted to clarify that.
8	position? Did anybody report to you?	8	BY MR. MELAMED:
9	MS. MAHONEY: Objection.	9	Q. I appreciate that. Thank you.
10	THE WITNESS: No.	10	Now, was this all of the customer
11	BY MR. MELAMED:	11	accounts that existed at Alpharma at the time?
12	Q. And in this position it states	12	A. It could be
13	that you managed daily activities on all	13	MS. MAHONEY: Objection.
14	consumer products over-the-counter, private	14	THE WITNESS: It could be any
15	label and business development accounts,	15	account that existed for consumer
16	correct?	16	products, OTC, private label customers.
17	A. Yes.	17	
18	Q. Does that mean you were the	18	At this time not prescription, but they could overlap.
19	manager primarily responsible for all of the	19	BY MR. MELAMED:
20	described account relationships, and by "the	20	
21	described account relationships, and by the	21	Q. So there were other types of
22		22	accounts for which you did not necessarily have
23	I'll use the words that I was trying to say to		responsibility as the senior sales associate;
24	make it clear, the consumer products, OTC, private label and business development accounts?	23	you mentioned pharmaceutical, for instance?
24	private laber and business development accounts?	24	MS. MAHONEY: Objection.
	Page 43		Page 44
1	THE WITNESS: I'm not sure I	1	to manufacture the product to their needs.
2	understand the question. Can you	2	Q. The third bullet point, it states
3	BY MR. MELAMED:	3	that you served as a member of corporate Core
4	Q. Did you have did you manage	4	Values/Basic Principles Committee.
5	daily activities on all pharmaceutical accounts	5	Do you see that?
6	at this point in time in this position?	6	A. I do.
7	MS. MAHONEY: Objection,	7	Q. What was the purpose of that
	foundation.	8	
8		0	committee?
9	THE WITNESS: No.	9	committee?  A. The purpose of the committee was
9	THE WITNESS: No.	9	A. The purpose of the committee was
9 10	THE WITNESS: No. BY MR. MELAMED:	9	A. The purpose of the committee was to promote awareness of the company's values,
9 10 11	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created	9 10 11	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and
9 10 11 12	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development	9 10 11 12	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed
9 10 11 12 13	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions	9 10 11 12 13	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.
9 10 11 12 13 14	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software."	9 10 11 12 13 14	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and
9 10 11 12 13 14 15	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software."  Can you walk me through how you	9 10 11 12 13 14 15	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?
9 10 11 12 13 14 15	THE WITNESS: No.  BY MR. MELAMED:  Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software."  Can you walk me through how you created those demand forecasts at this point in	9 10 11 12 13 14 15 16	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate
9 10 11 12 13 14 15 16	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software."  Can you walk me through how you created those demand forecasts at this point in time?	9 10 11 12 13 14 15 16 17	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings,
9 10 11 12 13 14 15 16 17	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software."  Can you walk me through how you created those demand forecasts at this point in time?  A. From what I remember, the	9 10 11 12 13 14 15 16 17	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings, where they were presented, the meetings
9 10 11 12 13 14 15 16 17 18	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software." Can you walk me through how you created those demand forecasts at this point in time? A. From what I remember, the business development division would come with	9 10 11 12 13 14 15 16 17 18	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings, where they were presented, the meetings discussed and examples of what that of living
9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software." Can you walk me through how you created those demand forecasts at this point in time? A. From what I remember, the business development division would come with new business, I would interface with them and	9 10 11 12 13 14 15 16 17 18 19 20	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings, where they were presented, the meetings discussed and examples of what that of living that core value and working in that core value
9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software." Can you walk me through how you created those demand forecasts at this point in time? A. From what I remember, the business development division would come with new business, I would interface with them and potentially have conversations with the	9 10 11 12 13 14 15 16 17 18 19 20 21	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings, where they were presented, the meetings discussed and examples of what that of living that core value and working in that core value would how it would be represented.
9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: No. BY MR. MELAMED: Q. Next sentence says you "created demand forecasts for business development division customers by utilizing demand solutions software." Can you walk me through how you created those demand forecasts at this point in time? A. From what I remember, the business development division would come with new business, I would interface with them and potentially have conversations with the customers about their demands and needs. I	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. The purpose of the committee was to promote awareness of the company's values, the basic principles by which we do business and to ensure that they were promoted and followed by employees.  Q. How were those core values and basic principles communicated to employees?  A. Through various means. Corporate posters, corporate meetings, town hall meetings, where they were presented, the meetings discussed and examples of what that of living that core value and working in that core value would how it would be represented.  Q. Do you recall why you were

Page 45 Page 46 1 I was well known and regarded in amongst my 1 core values/basic principles is something that 2 peers in my department, and I believe that that 2 comes from the top down of the organization, and 3 3 was why I was selected as a person that could so it would only be likely that executives 4 communicate and build coalition with my peers. 4 amongst our group would be part of this. 5 Q. Were you selected to represent 5 Q. Okay. So you have no specific 6 6 the department? recollection? 7 A. There were numerous members of 7 I don't have a specific A. 8 8 the Core Values/Basic Principles Committee. I recollection or a name. 9 was one person in one area. I don't recall that 9 After serving as senior sales 10 it was assigned to a specific department 10 associate at Alpharma, you became the marketing communications specialist from 2001 to 2002, 11 necessarily. 11 12 12 Q. Do you recall how many members correct? 13 the committee had, approximately? 13 A. Yes. 14 14 I don't know. Do you recall who you reported to Q. 15 Were there any executive members 15 in that position? Q. 16 of Alpharma who were part of the committee? 16 A. Yes. 17 MS. MAHONEY: Objection. 17 Q. Who was that person? THE WITNESS: I believe so, but I 18 18 Nancy Buckingham. 19 don't remember. 19 Do you know where Nancy Q. 20 BY MR. MELAMED: 20 Buckingham currently works? 21 Q. Is it that you remember certain 21 MS. MAHONEY: Objection. 22 individuals but don't remember whether they were 22 THE WITNESS: No. 23 executives at the time? 23 BY MR. MELAMED: 2.4 This is something that is -- the 24 Q. Do you know if Nancy Buckingham's Page 47 Page 48 2001 to 2002? 1 last name ever changed due to marriage or 1 2 2 divorce or anything like that? Q. Correct. 3 MS. MAHONEY: Objection. 3 I do not. 4 THE WITNESS: Yes. 4 Would that have -- would your job 5 BY MR. MELAMED: 5 have encompassed developing advertising and 6 Q. What did her last name become? 6 product launch communication campaigns for all 7 7 major products at Alpharma during this time A. Yes, I know. Her name did not 8 8 period? change. Sorry. 9 Q. That's an unclear question, so 9 A. It could, but being a generic 10 that was a clear answer. Thank you. 10 company, we don't do major advertising for all 11 Did you have anyone who reported 11 products. 12 to you in this position? 12 Q. You advertised for some of your 13 A. No. 13 generic products; is that correct? 14 Q. And your job as marketing 14 For some, when it made sense to communications specialist was to develop do so, because of a market condition. 15 15 advertising and product launch communication 16 16 And you worked -- the next 17 campaigns for major products? 17 sentence says you "directed advertising agency 18 A. That was one portion of my 18 through all phases of materials production," 19 19 correct? position, yes. 20 20 Q. What types -- do you recall the Yes. A. 21 major products or any of the major products that 21 So did you work with a single 22 you helped develop advertising and product 22 advertising agency during this time period? 23 launch communications campaigns for? 23 I do not believe so. 24 A. For the time period specified, 24 You were the primary contact at

	Page 49		Page 50
1	Alpharma for the advertising agencies with whom	1	of plan; is that correct?
2	you worked, correct?	2	A. Yes, it's not separate from
3	A. Yes.	3	marketing or sales management, marketing and
4	Q. And by "you" in that last phrase,	4	sales.
5	I meant Alpharma.	5	Q. And then after being a marketing
6	A. Yeah.	6	communications specialist at Alpharma, you
7	Q. Okay. I want to go back to the	7	became the manager of products and
8	end of the first sentence here. It says, you	8	communications from 2002 to 2010, correct?
9	developed supporting marketing and sales	9	A. Yes, sir.
10	management plans.	10	Q. Okay. And for part of that time
11	Do you see that?	11	you worked at Alpharma, and then you worked for
12	A. Yes.	12	another part of that time at Actavis; is that
13	Q. What are marketing plans, and	13	correct?
14	what are sales management plans?	14	A. Yes.
15	MS. MAHONEY: Objection.	15	Q. Do you recall why you worked for
16	THE WITNESS: Marketing and sales	16	Alpharma for part and Actavis for part?
17	management plans would be an example	17	A. Yes.
18	would be looking at new product	18	Q. And what was the reason for that?
19	launches, determining if there was a	19	A. Actavis purchased Alpharma
20	reason that we should build awareness of	20	generics division, USP, the US pharmaceutical
21	the product's launch or availability.	21	division, as well as, I believe, other generic
22	BY MR. MELAMED:	22	portions of Alpharma around the globe.
23	Q. So the phrase here "marketing and	23	Q. And subsequent to that purchase,
24	sales management plans" refers to a single type	24	you became employed by Actavis?
24	sales management plans Telers to a single type	24	you became employed by Actavis:
	Page 51		Page 52
1	A. Yes.	1	years ago.
2	Q. Did your role as manager of	2	Was this a promotion from being a
3	products and communications change when you	3	marketing communications specialist?
4	transitioned from working for Alpharma to	4	A. Yes, it was.
5	working for Actavis?	5	MR. MELAMED: Apologies for those
6	A. I don't think it changed in any	6	of you who are relying on the elmo.
7	major way.	7	BY MR. MELAMED:
8	Q. Do you recall who you reported to	8	Q. So during this time you managed
9	as manager of products and communications	9	the generic pharmaceutical product line at
10	between 2002 and 2010?	10	Alpharma and then at Actavis, correct?
11	A. It was a couple of people.	11	A. I managed a portion of the
12	Q. Can you tell me the couple people	12	pharmaceutical line.
13	and the approximate time periods for each?	13	Q. What was the portion you managed?
14		14	A. I don't remember.
	A. At first I worked for Nancy	14 15	
14	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem,		Q. So "portion" meaning you managed
14 15	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping	15	Q. So "portion" meaning you managed certain generic pharmaceuticals and not other
14 15 16	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem,	15 16	Q. So "portion" meaning you managed
14 15 16 17	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but	15 16 17	Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?  A. Yes.
14 15 16 17 18	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but Q. If you recall differently later,	15 16 17 18	<ul> <li>Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?</li> <li>A. Yes.</li> <li>Q. Do you recall any of the generic</li> </ul>
14 15 16 17 18	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but Q. If you recall differently later, please come back and let me know that you can	15 16 17 18 19	Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?  A. Yes.
14 15 16 17 18 19 20	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but Q. If you recall differently later,	15 16 17 18 19 20	<ul> <li>Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?</li> <li>A. Yes.</li> <li>Q. Do you recall any of the generic pharmaceuticals products that you managed?</li> <li>A. Yes.</li> </ul>
14 15 16 17 18 19 20 21	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but Q. If you recall differently later, please come back and let me know that you can correct. I understand that you don't have a	15 16 17 18 19 20 21	Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?  A. Yes. Q. Do you recall any of the generic pharmaceuticals products that you managed?  A. Yes. Q. Can you list those, if you can?
14 15 16 17 18 19 20 21	A. At first I worked for Nancy Buckingham, and then I worked for Terry Fullem, I believe, then Joe Corsetti, and then Jinping McCormick. I believe that list to be complete but Q. If you recall differently later, please come back and let me know that you can correct. I understand that you don't have a perfect recollection of	15 16 17 18 19 20 21 22	Q. So "portion" meaning you managed certain generic pharmaceuticals and not other generic pharmaceuticals?  A. Yes. Q. Do you recall any of the generic pharmaceuticals products that you managed?  A. Yes. Q. Can you list those, if you can?

Page 53 Page 54 1 all of the products -- prescription products 1 corporate communications"? 2 that came out of our Lincolnton, North Carolina 2 A. Yes. 3 3 plant. It was mostly semi-solids and liquids, O. What was unit demand forecasting? 4 creams, ointments, suppositories, things of that 4 A. Looking at the run rate of 5 5 customer demand and anticipating the future nature. 6 Q. And that responsibility changed 6 based on the past and any other changes that 7 over time; you managed different pharmaceutical 7 were communicated by the customer. This would 8 8 products over time? drive production in our plants to meet customer 9 9 A. Yes. needs. 10 Did that management ever include 10 Q. O. In that -- withdraw that. 11 generic opioids? 11 As part of that forecasting -- as 12 12 part of your forecasting, did you include market MS. MAHONEY: Objection. 13 THE WITNESS: I believe possibly 13 data from other manufacturers? 14 14 A. No. Let me clarify. I did look one or two. 15 15 BY MR. MELAMED: at trends based on IMS data for whether the 16 16 You don't recall specifically at molecule was growing or declining, and I would 17 this point? 17 take that into account over the long period of There is one that I believe I 18 18 A. forecasting. 19 19 Q. What is IMS data? managed. 20 Which one is that? 20 Q. A. IMS data is a third party service 21 A. Promethazine with codeine. 21 that is commonly used in the pharmaceutical 22 The second sentence of the -- of 22 industry, and it collects sales data of nearly Q. 23 your job description states you "oversaw unit 23 any pharmaceutical product. 24 24 demand forecasting, financial projection and And so you would look at IMS data Page 55 Page 56 1 for particular molecules that were the same 1 Α. Yes. 2 2 Q. Were you able to be more specific molecule as the generic pharmaceutical product 3 3 than the United States at large with this data? for which you were overseeing unit demand 4 forecasting? 4 MS. MAHONEY: Objection. 5 MS. MAHONEY: Objection. 5 THE WITNESS: You mean regions? 6 THE WITNESS: I could use IMS 6 BY MR. MELAMED: 7 data to review all of my assigned 7 Q. Could you look at a specific 8 products. 8 United States region with the IMS data you had 9 BY MR. MELAMED: 9 access to? 10 What kind of data was available 10 A. The IMS data I had access to, no. O. 11 through IMS? 11 Q. Do you know if IMS provided 12 I would see total market, how 12 regional United States data? 13 many units were sold for the past several years. 13 MS. MAHONEY: Objection. THE WITNESS: I don't know. 14 I could see which company's product was sold, so 14 15 15 what percentage of that share they had. BY MR. MELAMED: 16 16 I could see the overall decline Q. So the smallest geographical unit 17 or growth of the demand for the molecule in the 17 you were able to review was the United States? 18 18 market, the market being the United States. A. Yes. 19 And I could see the segment in 19 And you don't know whether IMS 20 20 provided data on any smaller geographical which the demand was driven, whether it be 21 retailers, wholesalers, hospitals, who was 21 regions? 22 22 needing this product. A. I believe that they do, but I 23 The geographic region this data 23 don't believe that they provided it to us. 24 reflect was the United States; is that correct? 24 Q. Is your belief that they would

Page 57 Page 58 1 have had the contract that Alpharma or Actavis 1 that it wouldn't have been available to us had 2 had at that point with IMS been at a different 2 we had a different subscription. 3 level? 3 You don't know either way whether MS. MAHONEY: Objection. 4 4 that level of detail was available for generics 5 THE WITNESS: I don't know what 5 through IMS? 6 the levels of subscription Alpharma 6 A. I don't know. 7 would have had or Actavis. 7 And how do you know that IMS O. 8 BY MR. MELAMED: 8 provided that level of detail? And that level 9 9 Q. I guess my -- I'm trying to ask of detail being a smaller geographical 10 refinements for brand pharmaceuticals? something I think simpler than my question came 10 11 11 out. A. I know that they do because at 12 12 A. one point -- at one point, I had heard about 13 Q. You believe that the data was 13 being able -- well, two ways I know this. 14 available on geographical bases smaller than the 14 I have friends in the industry 15 United States, correct? 15 that work in brands, and much of their bonuses 16 16 and salaries are based on, if they are in sales, A. I believe, but my basis for that 17 belief is I am aware that in brand 17 on their sales to their doctors. So this is 18 18 pharmaceuticals, they do cut it down to regions just my being in the industry and knowing 19 and specific regions, so I know that IMS as a 19 people. 20 company does that, and I know that they do that 20 Also, I am aware that my company 21 because of their work with brands. 21 has at times had brand sales force, and I 22 We're a generic company. I never 22 believe that it's used in that regard. I don't 23 had access to that, and I don't believe that we 23 think it was at this time. I don't remember us -- we didn't have much to do with brand, the 24 bought that specific on a regular basis, not 24 Page 59 Page 60 Q. How did you do that financial 1 brands sales force. Brands were very divided. 1 2 2 Q. Meaning within Alpharma and projection? 3 3 Actavis during this time period, the brand A. Financial projection was done 4 operations were divi -- were separate --4 based on current unit run rate demand, monthly 5 5 demand, projecting out the future, what our A. Yes. 6 Q. -- from the generic operations? 6 current average selling price was and projecting 7 MS. MAHONEY: Objection. 7 a budget for the next year. 8 THE WITNESS: Yes. 8 Q. Did that also consider trends 9 BY MR. MELAMED: 9 with the molecule from other manufacturers? 10 How do you know that? 10 MS. MAHONEY: Objection. 11 I know that because I worked for 11 THE WITNESS: From other A. 12 12 manufacturers? the company. 13 Q. That was -- I'm sorry, go ahead. 13 BY MR. MELAMED: We rarely had anything, 14 14 Yes. Q. 15 interactions with the brand side from where I 15 A. No. 16 16 sat. And you mentioned that you also 17 The job description also states 17 had the responsibility for corporate that you oversaw financial projection. 18 communications. 18 19 Do you see that? 19 What do you mean by corporate 20 20 A. Yes. communications? 21 Was that financial projection for 21 A. Essentially, all of the work that 22 22 the generic pharmaceutical product lines for was done in the marketing communications 23 which you had responsibility? 23 specialist remained with me. I was still the 24 A. Yes. 24 main contact for our agency or agencies of

	Page 61		Page 62
1	record, and I would interface with them and	1	other data sources."
2	other product managers and marketing management	2	Do you see that?
3	to build corporate awareness programs and	3	MS. MAHONEY: Objection.
4	advertisements for specific products that were	4	THE WITNESS: Yes.
5	deemed worthy of having an advertising campaign.	5	BY MR. MELAMED:
6	Q. After being a manager from 2002	6	Q. IMS is IMS health the data
7	to 2010, you became a senior manager, products	7	source we were just discussing?
8	and communications from 2010 to present as of	8	A. Yes.
9	September 2012, correct?	9	Q. Did you use that any differently
10	A. Yes.	10	in your position as senior manager than you did
11	Q. That was a promotion, correct?	11	as manager?
12	A. Yes, sir.	12	A. No.
13	Q. At that point you it states	13	Q. Was there any different data
14	"manage generic pharmaceutical product line	14	available to you when you were acting as senior
15	representing \$140 million in annual revenues."	15	manager than when you were acting as manager
16	Do you see that?	16	from IMS Health?
17	A. I do.	17	A. No.
18	Q. Was that the entirety of Actavis'	18	Q. What is Wolters Kluwer?
19	generic product pharmaceutical product line	19	A. Wolters Kluwer is similar to IMS
20	during that time period?	20	in that they measure sales of products. I don't
21	A. No, far from it.	21	know their full line of business, but at the
22	Q. Further down in the paragraph	22	time I know that we used them to tell us or give
23	there's a line that says, "conduct market	23	us metrics on prescription sales or
24	research using IMS Health, Wolters Kluwer and	24	prescriptions filled, I should say.
			record records and many say.
	Page 63		Page 64
1	Q. Was the metric of prescriptions	1	Q. Do you know if it was able to
2	filled not available through IMS Health?	2	provide data on prescription filled by a
3	A. I don't recall if they offered	3	pharmacy group? So my former question I was
4	that at the time.	4	referring to the Duane Reed down the block. For
_	0 1 1 1 1		
5	Q. And can you describe what you	5	this question I'm referring to Walgreens
6		5 6	this question I'm referring to Walgreens pharmacies nationwide.
	mean by they gave us metrics on prescriptions filled?		1
6	mean by they gave us metrics on prescriptions	6	pharmacies nationwide.
6 7	mean by they gave us metrics on prescriptions filled?	6 7	pharmacies nationwide.  MS. MAHONEY: Objection.
6 7 8	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us	6 7 8	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.
6 7 8 9	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based	6 7 8 9	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:
6 7 8 9 10	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based on sales out from wholesalers, distributors to	6 7 8 9 10	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:  Q. Do you know if it was able to be
6 7 8 9 10 11	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based on sales out from wholesalers, distributors to pharmacies.	6 7 8 9 10 11	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:  Q. Do you know if it was able to be filtered by geographical region within the
6 7 8 9 10 11	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based on sales out from wholesalers, distributors to pharmacies.  Wolters Kluwer would tell us how	6 7 8 9 10 11 12	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:  Q. Do you know if it was able to be filtered by geographical region within the United States?
6 7 8 9 10 11 12	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based on sales out from wholesalers, distributors to pharmacies.  Wolters Kluwer would tell us how many prescriptions were filled for the entire	6 7 8 9 10 11 12 13	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:  Q. Do you know if it was able to be filtered by geographical region within the United States?  A. I don't know.
6 7 8 9 10 11 12 13	mean by they gave us metrics on prescriptions filled?  A. Similar to IMS, IMS would tell us the full market of sales, their data was based on sales out from wholesalers, distributors to pharmacies.  Wolters Kluwer would tell us how many prescriptions were filled for the entire United States on every drug.	6 7 8 9 10 11 12 13 14	pharmacies nationwide.  MS. MAHONEY: Objection.  THE WITNESS: I don't know.  BY MR. MELAMED:  Q. Do you know if it was able to be filtered by geographical region within the United States?  A. I don't know.  Q. You did not use it in that way?
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	Page 65		Page 66
1	internal data sources, our own sales, our own	1	Q. And were you?
2	sale trends and analyzing those, doesn't	2	A. No.
3	necessarily mean an outside service that would	3	Q. Do you know who at Actavis was?
4	mean anything in regards to my resume.	4	A. No.
5	Q. In the second bullet point, the	5	Q. Do you know any of the other
6	end of it you write that you were awarded the	6	members of HDMA at that go ahead. If you
7	2012 HDMA Diana Award for Best New Product	7	want to clarify, please do.
8	Introduction (Generic).	8	A. Let me clarify.
9	Do you see that?	9	The company was a member, but I
10	A. Yes.	10	believe there were people within the company
11	Q. What is the HDMA?	11	that were on the roster, the contact list, and I
12	A. I'm not sure exactly what the	12	do believe that I was one of them. I did not
13	I believe it's Healthcare Distributors	13	have a separate membership.
14	Management Association was what that means.	14	Q. Do you recall approximately how
15	It's an organization.	15	many people at the company were on the roster
16	Q. Industry group?	16	list?
17	A. Industry organization, yes.	17	A. I do not.
18	Q. Do you know if Actavis was a	18	Q. Do you there were other
19	member of that organization?	19	members of HDMA presumably as well, correct?
20	A. Yes.	20	MS. MAHONEY: Objection.
21	Q. Do you know if you do you	21	THE WITNESS: Can you
22	recall whether you were a member of that	22	BY MR. MELAMED:
23	organization?	23	Q. Actavis wasn't HDMA's sole
24	A. Yes.	24	member?
	Page 67		Page 68
1	A. No.	1	A. I do not.
2	Q. Do you recall interacting with	2	Q. Do you recall whether any
3	any of the other members through the HDMA?	3	specific company other than Actavis was a
4	MS. MAHONEY: Objection.	4	member?
5	THE WITNESS: No.	5	A. I do not know.
6	BY MR. MELAMED:	6	Q. You know that there were other
7	Q. Do you recall the identity of any	7	members, you just don't recall who they were?
8	of the other member companies of the HDMA?	8	A. I can't concretely say that
9	THE WITNESS: The other member	9	anyone was a member. I know that it's open to
10	companies could be everyone in the	10	the entire pharmaceutical landscape, and I know
11	industry.	11	that most companies I perceive that most
12	BY MR. MELAMED:	12	companies at the time were part of this
13	Q. Do you recall specifically	13	organization. I do not have any specific
14	whether Mallinckrodt was a member organization?	14	knowledge or cannot confirm concretely of their
15	A. I do not know.	15	membership. I worried about our membership or I
16	Q. Or Teva?	16	took care of our membership anyway.
17	MS. MAHONEY: Objection.	17	Q. What was the purpose, as best you
18	THE WITNESS: I do not remember.	18	understand, of the HDMA?
19	BY MR. MELAMED:	19	MS. ZOLNER: Objection to form.
20	Q. Do you recall whether Purdue was	20	THE WITNESS: From what I
21	a member?	21	understand, the HDMA and it still
22	A. I do not, no.	22	exists as the HDA, I believe, is to
23	Q. Do you recall whether Endo was a	23	is a group of how do I state this?
24	member?	24	MS. MAHONEY: If you know.
		1	

	Page 69		Page 70
1	THE WITNESS: I understand what	1	understanding?
2	their purpose for being is. I don't	2	A. I come to that understanding
3	know that it's all encompassing. They	3	based on the type of work that they do. Based
4	are a group of businesses that are	4	on that I submitted the paper for the Diana
5	wholesalers and distributors, and they	5	award, and the topic of that paper was how we
6	deal with issues that could relate to	6	int how we interacted with wholesalers and
7	wholesaling and distributing of	7	distributors and partnered with them in the
8	products.	8	launch of that product to make it smooth for
9	BY MR. MELAMED:	9	their business processes, to make sure that
10	Q. And that knowledge comes from	10	product was adequately distributed but not
11	your experience?	11	overstocked. So that's how I come to that.
12	A. I've never attended an HDMA	12	Q. I know you said you did not
13	meeting. I was a member and I was part of	13	personally attend any HDMA conferences, correct?
14	Actavis and Alpharma's membership in that I	14	A. Yes.
15	processed the payment for our membership. You	15	Q. Do you know whether the HDMA held
16	pay dues to belong.	16	conferences?
17	Q. You stated what I understood to	17	A. Yes.
18	be a general understanding of what HDMA was, and	18	Q. Do you know approximately how
19	you just said it was a group of businesses that	19	often those conferences were held?
20	are wholesalers and distributors, and they deal	20	MS. MAHONEY: Objection.
21	•	21	THE WITNESS: I know that they
22	with issues that could relate to wholesaling and distributing of products, correct?	22	may have we have attended some
23	A. Yes.	23	conferences, probably once a year, but
24		24	we did not attend all of their
24	Q. How did you come to that		
	Page 71		Page 72
	_		1490 /2
1	conferences.	1	
1 2		1 2	THE WITNESS: Probably a trade
	conferences. BY MR. MELAMED:		
2	conferences. BY MR. MELAMED:	2	THE WITNESS: Probably a trade show probably a trade show schedule.
2 3	conferences.  BY MR. MELAMED:  Q. Is it your recollection that	2 3	THE WITNESS: Probably a trade show probably a trade show schedule. BY MR. MELAMED:
2 3 4	conferences.  BY MR. MELAMED:  Q. Is it your recollection that they HDMA during this time period, 2010 to	2 3 4	THE WITNESS: Probably a trade show probably a trade show schedule.  BY MR. MELAMED:  Q. And would Actavis have received
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2 3 4 5 6	conferences.  BY MR. MELAMED:  Q. Is it your recollection that they HDMA during this time period, 2010 to 2013 I'm sorry 2010 to 2012 held annual conferences?	2 3 4 5 6	THE WITNESS: Probably a trade show probably a trade show schedule.  BY MR. MELAMED:  Q. And would Actavis have received that trade show schedule?  A. The trade show schedule for
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	Page 73		Page 74
1	THE WITNESS: I don't remember	1	A. I believe so.
2	specifically, but they were kept online.	2	Q. And that belief is based on what?
3	BY MR. MELAMED:	3	A. Assuming that their business
4	Q. Were they	4	would continue as usual and random e-mails I
5	A. On our network.	5	receive, marketing e-mails from them.
6	Q. And did you update them on the	6	Q. When did your responsibility for
7	network, or did you update them through a	7	managing Actavis' membership in the HDA end?
8	network site?	8	A. I believe it ended when Watson
9	A. Yes.	9	bought Actavis, and those type of memberships
10	MS. MAHONEY: Objection.	10	went moved to someone else. That
11	BY MR. MELAMED:	11	responsibility came off my plate.
12	Q. Would you know what the name of	12	Q. And that was approximately 2013;
13	that network system was at the time?	13	is that accurate? This isn't intended to be a
14	A. I don't recall.	14	test. I just want to have
15	O. Did the HDMA let me I'd	15	A. I think about that time. There's
16	like to broaden the time period of these	16	been many mergers and acquisitions over the
17	questions now, so I'd like to refer to both the	17	course of my tenure, and it's hard to remember
18	HDMA and HDA; is that okay?	18	what your last name is.
19	A. That's fine.	19	Q. Did the HDA, in your experience,
20	Q. And is it okay if I call it the	20	produce any periodicals?
21	HDA?	21	MS. MAHONEY: Objection.
22	A. Yes.	22	THE WITNESS: I don't remember
23	Q. So does the HDA continue to hold	23	that.
24	conferences, to the best of your knowledge?	24	BY MR. MELAMED:
	continues, to the cost of your mis wronger		
		1	
	Page 75		Page 76
1	Page 75  Q. Do you know whether it sponsored	1	Page 76 BY MR. MELAMED:
1 2		1 2	
	Q. Do you know whether it sponsored		BY MR. MELAMED:  Q. Were there individuals most
2	Q. Do you know whether it sponsored any articles?	2	BY MR. MELAMED:
2	<ul><li>Q. Do you know whether it sponsored any articles?</li><li>A. I don't remember that.</li></ul>	2 3	BY MR. MELAMED:  Q. Were there individuals most active in Actavis' membership in the HDA during
2 3 4	<ul><li>Q. Do you know whether it sponsored any articles?</li><li>A. I don't remember that.</li><li>Q. Do you know whether it sponsored</li></ul>	2 3 4	BY MR. MELAMED:  Q. Were there individuals most active in Actavis' membership in the HDA during the time period that you were responsible for
2 3 4 5	<ul><li>Q. Do you know whether it sponsored any articles?</li><li>A. I don't remember that.</li><li>Q. Do you know whether it sponsored any medical research?</li></ul>	2 3 4 5	BY MR. MELAMED:  Q. Were there individuals most active in Actavis' membership in the HDA during the time period that you were responsible for paying the bills?
2 3 4 5 6	<ul> <li>Q. Do you know whether it sponsored any articles?</li> <li>A. I don't remember that.</li> <li>Q. Do you know whether it sponsored any medical research?</li> <li>A. I don't recall that at all.</li> </ul>	2 3 4 5 6	BY MR. MELAMED:  Q. Were there individuals most active in Actavis' membership in the HDA during the time period that you were responsible for paying the bills?  MS. ZOLNER: Objection to form.
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Page 77 Page 78 1 And you won that for best new 1 other submissions, is then read by members of 2 2 product introduction (generic), correct? the HDMA, and they vote on it, decide who wins 3 3 A. Yes. the award. 4 Q. And that was for the introduction 4 Q. In the final bullet point under 5 5 this section of your professional experience it of oxymorphone, correct? 6 6 states, "Analyze markets of existing products A. Yes, it was. 7 7 What were the criteria for that for growth opportunities and conduct analysis to O. 8 8 award, as best you understand? identify high potential new products," right? 9 9 To apply for the award -- to 10 10 apply for the award, you -- it has to be a Q. What analysis did you do to 11 product awarded in that previous year -- or identify high potential new products? 11 12 launched in that previous year. 12 A. Typically, once our R&D 13 You have to write a paper that 13 organization and our pipeline organization had 14 14 includes many different criteria. Criteria gotten to within a year or two of projected 15 15 being -- and I don't -- may not recall all of launch, they have forecasts -- forecasts that 16 16 them, but it helps to show why the product is they have created to start the project. It is 17 unique or necessary for society and what you did 17 then co-authored with commercial, so someone 18 specifically and how you managed the business 18 like me, to then look, take another look at the 19 differently in pertains to wholesalers, 19 market, the trends, is it growing, is it 20 20 distributors. Because they are a wholesaler, declining, how many competitors do we feel -- do 21 distributor organization, how did you work with 21 we project there might be based on public 22 them, what was different about this product 22 information, to determine what our market share 23 23 launch than any other product launch. would be. That would then be used to drive 24 24 That paper, amongst all of the manufacturing to prepare for launch and also Page 79 Page 80 1 could be used for financials, understanding how 1 money? 2 many units we would sell at an estimated price 2 MS. ZOLNER: Objection, form. 3 for whatever -- wherever the market lands. 3 THE WITNESS: I don't recall a 4 Q. As a general matter, the idea --4 specific product. I recall products 5 5 withdraw that. where at the end where we were about to 6 As a general matter, the company 6 launch we decided not to because the 7 wanted to launch generic drugs that would be 7 market had changed, and the value had 8 profitable, correct? 8 not been supportive of moving forward. 9 MS. ZOLNER: Objection to form. 9 BY MR. MELAMED: 10 MS. MAHONEY: Objection. 10 In your experience, if that 11 THE WITNESS: Yes. 11 determination had been made, that the market had 12 BY MR. MELAMED: 12 changed and the value wouldn't be supported 13 Q. It did not want to lose money 13 going forward, the company then decided not to 14 when it introduced a product, correct? 14 launch that generic product; is that correct? 15 MS. ZOLNER: Objection to form. 15 MS. MAHONEY: Objection. 16 THE WITNESS: Yes. That doesn't 16 THE WITNESS: It would be 17 mean that we didn't. 17 dependent on the particulars of that 18 18 BY MR. MELAMED: specific product, not necessarily that 19 Q. Fair enough. 19 it wouldn't be profitable, but what are 20 Are you aware of any product that 20 all the other market factors that go 21 was introduced by Actavis or its successors for 21 into it. 22 whom you worked, so Watson or Teva when you were 22 BY MR. MELAMED: 23 transferred, that was launched and at the time 23 Q. Do you recall specifically any 24 of launch the company anticipated it would lose 24 pharmaceutical products for which that happened?

	Page 81		Page 82
1	And by that I mean that you got close to launch	1	A. Thank you.
2	and that it was withdrawn?	2	Q. Do you remem you recall about
3	A. I don't recall any specific	3	when you were promoted to senior manager of
4	products. I just know that it's happened.	4	product operations?
5	Q. This resume takes us up to 2012.	5	A. Well, it wasn't a promotion, it
6	Can you tell me what positions you've held since	6	was just a title change. The job just morphed
7	being senior manager at Actavis?	7	into something else. You know, different
8	A. Senior manager at Actavis for	8	companies will call you something different.
9	products and communications then morphed into	9	And, again, the communications portion came off,
10	just senior managers senior managers of	10	so the communications portion came off of my
11	product operations. The communications portion,	11	title.
12	as the company grew, went to a specific group of	12	Q. Did that happen in conjunction
13	marketing communications professionals that	13	with the Watson acquisition?
14	dealt with that portion.	14	MS. MAHONEY: Objection.
15	And since then I was promoted	15	THE WITNESS: It became more in
16	once more to associate director of marketing.	16	conjunction with Teva acquisition.
17	Q. What was the name of the company	17	BY MR. MELAMED:
18	at the time you were promoted to associate	18	Q. So is it accurate to say you were
19	director of marketing?	19	senior manager of products and communications up
20	A. Teva.	20	until the Teva acquisition?
21	Q. When did that promotion happen,	21	A. Yes.
22	approximately?	22	Q. And at that point you became
23	A. Within the last month.	23	senior manager of product operations at Teva,
24	Q. Congratulations.	24	right?
	Page 83		Page 84
1	A. Yes, but at Watson, we when it	1	Q. When did you start reporting to
1 2	A. Yes, but at Watson, we when it was Watson Actavis, because Watson bought	1 2	Q. When did you start reporting to Jinping McCormick?
2	was Watson Actavis, because Watson bought	2	Jinping McCormick?
2	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis,	2 3	Jinping McCormick?  A. I don't remember the specific
2 3 4	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis, so it's a little confusing.	2 3 4	Jinping McCormick?  A. I don't remember the specific date.
2 3 4 5	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis, so it's a little confusing. Q. It is.	2 3 4 5	Jinping McCormick?  A. I don't remember the specific date.  Q. Is it was that did you
2 3 4 5 6	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis, so it's a little confusing. Q. It is. A. Watson did not believe in really	2 3 4 5 6	Jinping McCormick?  A. I don't remember the specific date.  Q. Is it was that did you start reporting to Jinping McCormick in or
2 3 4 5 6 7	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis, so it's a little confusing. Q. It is. A. Watson did not believe in really advertising generic pharmaceuticals. So	2 3 4 5 6 7	Jinping McCormick?  A. I don't remember the specific date.  Q. Is it was that did you start reporting to Jinping McCormick in or around 2010 when you were promoted to senior
2 3 4 5 6 7 8	was Watson Actavis, because Watson bought Actavis and then changed their name to Actavis, so it's a little confusing. Q. It is. A. Watson did not believe in really advertising generic pharmaceuticals. So although random things would come up for me,	2 3 4 5 6 7 8	Jinping McCormick?  A. I don't remember the specific date.  Q. Is it was that did you start reporting to Jinping McCormick in or around 2010 when you were promoted to senior manager?
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	Page 85		Page 86
1	director of marketing, did you report to her	1	Q. Have you continued to report to
2	until the Watson acquisition?	2	Napoleon Clark to present?
3	A. Can you repeat?	3	A. Indirectly.
4	Q. From the point at which Jinping	4	Q. When did your direct reporting
5	McCormick was promoted to director of marketing,	5	relationship to Napoleon Clark change?
6	did you report to her up until the point of the	6	A. When Teva acquired Actavis.
7	Watson acquisition?	7	Q. And who did you begin to directly
8	A. Yes.	8	report to after the Teva acquisition?
9	Q. Do you remember immediately prior	9	A. Bryan Bart.
10	to Jinping McCormick becoming the director of	10	Q. And then does Bryan Bart report
11	marketing who you reported to?	11	to Napoleon Clark?
12	A. Yes.	12	A. Yes.
13	Q. And who was that?	13	Q. And is that the reporting
14	A. Joseph Corsetti.	14	relationship that remains today?
15	Q. Do you know where Joseph Corsetti	15	MS. ZOLNER: Objection, form.
16	is currently employed?	16	BY MR. MELAMED:
17	MS. MAHONEY: Objection.	17	Q. Is that your do you still
18	THE WITNESS: No.	18	report to Bryan Bart? As on a let me
19	BY MR. MELAMED:	19	withdraw that.
20	Q. And since you joined I'm	20	A. Okay.
21	sorry, let me withdraw that.	21	Q. Up until a month ago, did you
22	You began reporting to Napoleon	22	report to Bryan Bart?
23	Clark after the Watson acquisition, correct?	23	A. Yes.
24	A. Yes.	24	Q. And up until a month ago, your
			the state of the s
	Page 87		Page 88
			3
1	understanding is Bryan Bart still reported to	1	interrupt you, but we've been going for
1 2	understanding is Bryan Bart still reported to Napoleon Clark?	1 2	
			interrupt you, but we've been going for
2	Napoleon Clark?	2	interrupt you, but we've been going for a while, if now is a good time for a
2	Napoleon Clark? A. Yes.	2	interrupt you, but we've been going for a while, if now is a good time for a break.
2 3 4	Napoleon Clark? A. Yes. Q. And in the last month, those	2 3 4	interrupt you, but we've been going for a while, if now is a good time for a break.  MR. MELAMED: If it's okay with
2 3 4 5	Napoleon Clark? A. Yes. Q. And in the last month, those reporting relationships are shifting?	2 3 4 5	interrupt you, but we've been going for a while, if now is a good time for a break.  MR. MELAMED: If it's okay with you with everybody in the room, if we
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	Page 89		Page 90
1	"Special Recognition Recipients."	1	BY MR. MELAMED:
2	Do you recognize this document?	2	Q. You do recall receiving the
3	A. No.	3	award, correct?
4	Q. Okay. I just want to draw your	4	A. Not specifically.
5	attention to page 2, and the page numbers on	5	Q. Do you understand the reason this
6	this is in the center of the bottom of the page,	6	that you received this award?
7	still the same Bates number, 1681.	7	A. Based on the summary, yes, I
8	And the top line it says in 2011	8	would understand.
9	in the month of August, there's a column for	9	Q. Okay. And what is your
10	Recipient #2 and you are listed.	10	understanding of the reason you received this
11	Do you see your name under	11	award?
12	Recipient #2?	12	A. Once a year we would National
13	A. I do.	13	Association of Chain Drug Stores is another
14	Q. And you see that there's an award	14	national organization that the company
15	summary, and it refers to you and others. It	15	participated and belonged to, and we would go to
16	says, "For their effort in support of NACDS"?	16	a they call it a trade show, but it's really
17	A. Yes.	17	a meeting driven trade show, where participants,
18	Q. And NACDS stands for National	18	like, for instance, Actavis or Teva would have a
19	Association of Chain Drug Stores, correct?	19	trade show booth and you would have appointments
20	A. Yes.	20	with most of your largest customers just to
21	Q. Can you explain this do you	21	review business.
22	recall why you received this award?	22	Q. More generally, do you understand
23	MS. MAHONEY: Objection.	23	the reason for the National Association of Chain
24	THE WITNESS: Yes.	24	Drug Stores existence?
	Page 91		Page 92
			5
1	MS. MAHONEY: Objection.	1	MS. MAHONEY: Objection.
1 2	MS. MAHONEY: Objection. THE WITNESS: I don't know what	1 2	
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2 3 4 5 6	THE WITNESS: I don't know what their mission statement is, but I assume that they are same thing to an organization to deal with, you know, business things that might impact	2 3 4 5 6	MS. MAHONEY: Objection. THE WITNESS: I believe so. BY MR. MELAMED: Q. And those customers were the were some of the pharmacies who filled prescriptions using Actavis products?
2 3 4 5 6 7	THE WITNESS: I don't know what their mission statement is, but I assume that they are same thing to an organization to deal with, you know, business things that might impact national chain drug stores.	2 3 4 5 6 7	MS. MAHONEY: Objection. THE WITNESS: I believe so. BY MR. MELAMED: Q. And those customers were the were some of the pharmacies who filled prescriptions using Actavis products? A. Were they members?
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	Page 93		Page 94
1		1	
1	Q. About how many do you recall off	1	shows. The one in this particular regard,
2	the top of your head?	2	essentially you have meeting you have a booth
3	A. I don't have a list of their	3	that has meeting rooms, and your business
4	members. I am aware that both Actavis and Teva	4	partners make appointments with you to discuss
5	had been members of the NACDS.	5	business.
6	Q. Is Teva still a member of the	6	Q. Do you know if the NACDS
7	NACDS?	7	published any periodicals, any pamphlets,
8	A. I don't know.	8	magazines?
9	Q. Do you know if the NACDS still	9	MS. MAHONEY: Objection.
10	exists?	10	THE WITNESS: I don't know.
11	A. Yes, it does.	11	BY MR. MELAMED:
12	Q. And you said that the NACDS held	12	Q. Do you know whether they
13	annual trade shows, but you referred to those as	13	sponsored any medical studies?
14	meeting based?	14	MS. MAHONEY: Objection.
15	A. Yes.	15	THE WITNESS: I don't know.
16	Q. What do you mean by "meeting	16	BY MR. MELAMED:
17	based"?	17	Q. Do you know whether the NACDS
18	A. The difference between what I	18	engages in any political lobbying? Apologies
19	would consider, from my personal experience, a	19	for tripping over my tongue.
20	trade show is a trade show you show up, people	20	A. I don't know.
21	can ask you questions about your products and	21	Q. Do you know whether the NACDS
22	your company.	22	provides political candidates any campaign donations?
23	With a meeting trade show, such	24	A. I don't know.
24	as one of the NACDS' the NACDS has many trade	24	A. I don't know.
	Page 95		Page 96
1	Q. Do you know who was responsible	1	BY MR. MELAMED:
2	at Actavis withdraw that.	2	Q. Did you attend any of the NACDS
3	Who was primarily responsible at	3	meetings?
4	Actavis for the relationship let me withdraw	4	A. Yes.
5	that and start again.	5	Q. You attended the one for which
6	Do you know who was primarily	6	you received this award, correct? And by "this
7	responsible at Actavis for managing Actavis'	7	award" I'm referring to the award on Exhibit 4
8	membership in the NACDS?	8	that we're looking at?
9	MS. MAHONEY: Objection.	9	A. I don't remember if I attended
10	THE WITNESS: Can you define	10	this one or not.
11	"managing"?	11	Q. Approximately how many NACDS
12	BY MR. MELAMED:	12	meetings have you attended in your career to
13	Q. Who is the primary point person	13	present?
14	between Actavis and the NACDS?	14	A. Four or five, I think.
15	MS. ZOLNER: Objection to form.	15	Q. And have you engaged in any other
16	MS. MAHONEY: Objection.	16	communications withdraw that.
17	THE WITNESS: I know there were	17	Have you ever participated in any
18	some years for which I paid our	18	committees of the NACDS?
19	membership dues, not me personally, but	19	A. No.
20	I submitted payment to pay our dues to	20	Q. Do you know if anybody at Actavis
21	belong to the thing. I don't know who	21	has or did?
22	was the main contact outside of that.	22	A. No.
23	There were many people that could have	23	<ul><li>Q. Do you know if anybody at Teva</li></ul>
	1		4 1 0
24	been.	24	currently does?

	Page 97		Page 98
1	A. No.	1	THE WITNESS: The meeting in
2	Q. Do you know if anybody at Teva	2	question was that way.
3	formerly did?	3	BY MR. MELAMED:
4	A. No.	4	Q. The meeting and you're
5	MR. MELAMED: All right. Let's	5	referring to the meeting in question in Exhibit
6	go off the record.	6	4?
7	THE VIDEOGRAPHER: The time is	7	A. Yes.
8	10:42 a.m. We're going off the record.	8	Q. Do you know whether other NACDS
9	(Brief recess.)	9	trade shows were similarly meeting based?
10	THE VIDEOGRAPHER: The time is	10	MS. ZOLNER: Objection to the
11	10:57 a.m., and we're back on the	11	form.
12	record.	12	MS. MAHONEY: Objection.
13	BY MR. MELAMED:	13	THE WITNESS: I don't know.
14	Q. Before we took a break, we were	14	BY MR. MELAMED:
15	talking about two industry groups, the NACDS and	15	Q. Do you recall any meetings that
16	HDA, correct?	16	occurred during the NACDS that concerned
17	A. Yes.	17	opioids?
18	Q. For the NACDS you mentioned that	18	A. No.
19	there were annual meetings, right?	19	Q. At the NACDS were any of the
20	A. Yes.	20	meetings between Actavis and another drug
21	Q. You called them trade shows, but	21	manufacturer?
22	they were actually more organized to facilitate	22	A. Not that I recall.
23	meetings?	23	Q. Were there any meetings at the
24	MS. MAHONEY: Objection.	24	NACDS between Actavis and distributors of
	Page 99		Page 100
1	pharmaceutical products?	1	whether Actavis met with AmerisourceBergen?
2	A. Yes.	2	A. Again, it's possible, but I don't
3	Q. Do you recall specifically with	3	recall specifically.
4	whom any of those meetings occurred?	4	Q. Do you recall at the NACDS
5	A. Not specifically. It could be	5	whether Actavis met with Walgreens?
6	with any of our customers.	6	A. Yes.
7	Q. So you can't well, I'll ask	7	<ul> <li>Q. And is your recollection that</li> </ul>
8	you a few specific ones, and if that triggers	8	Actavis did meet with Walgreens?
9	your recollection great, and if not, fair	9	A. I believe so.
10	enough.	10	Q. Were you at that meeting?
11	Do you know whether Actavis met	11	A. No.
12	at the NACDS with Cardinal Health?	12	Q. Do you know who was at that
13	A. I don't recall.	13	meeting?
14	Q. It's possible, but you don't	14	A. No.
15	recall either way?	15	Q. How do you recall that Actavis
16	A. Yes.	16	met with Walgreens at the NACDS?
17	MS. MAHONEY: Objection.	17	A. Walgreens is one of our largest
18	THE WITNESS: Yes.	18	chain drug store companies or customers. This
19	BY MR. MELAMED:	19	is a chain drug store meeting.
20	Q. Okay. Do you recall whether at	20	Q. Do you know who from Actavis
21	the NACDS whether Actavis met with McKesson?	21	would have participated in that meeting?
22	A. It's possible, but I don't	22	MS. MAHONEY: Objection.
	11	23	THE WITNESS: Not specifically.
23	recall.		THE WITHESS. Not specifically.
23 24	Q. Do you recall at the NACDS	24	BY MR. MELAMED:

	Page 101		Page 102
1		,	
1	Q. Do you have any idea who it was	1	with do you recall whether Actavis met with
2	most likely to be that participated in that meeting from Actavis?	2 3	Publix?
3 4	MS. MAHONEY: Objection.	4	A. I do not.     Q. Do you recall at the NACDS
5	THE WITNESS: Yes.	5	Q. Do you recall at the NACDS whether Actavis met with Rite Aid?
6	BY MR. MELAMED:	6	A. It's possible, but I don't
7	Q. Who was it who was it most	7	recall.
8	likely to be?	8	Q. Do you recall at the NACDS
9	MS. ZOLNER: Objection to form.	9	whether Actavis met with Walmart?
10	THE WITNESS: Most likely, it	10	A. It's possible, but I don't
11	would be the salesperson who represented	11	recall.
12	or who was assigned to Walgreens. It	12	Q. Do you recall at the NACDS
13	could be other members of our	13	whether Actavis met with Target?
14	management. It could be the vice	14	A. It's possible, but I don't recall
15	president of sales. It could be other	15	specifically.
16	people in the commercial team.	16	Q. Do you recall at the NACDS
17	BY MR. MELAMED:	17	whether Actavis met with Kroger?
18	Q. Do you recall who the vice	18	A. It's quite possible, but I don't
19	president of sales at Actavis was at the time	19	recall.
20	you attend you received your award for your	20	Q. Is there a reason you said quite
21	effort in support of NACDS?	21	possible for Kroger, but only possible for the
22	A. I believe it was Michael	22	others?
23	Perfetto.	23	A. Just a difference in statement.
24	Q. And at the NACDS did you meet	24	It's quite possible that we met with any or all
	Page 103		Page 104
1	of those. I don't have specific recollection.	1	BY MR. MELAMED:
2	Q. Was Anda also a distributor of	2	Q. And so Anda became part of the
3	Actavis Pharmaceuticals when you were at	3	Actavis company once Watson acquired Actavis and
4	Actavis?	4	renamed the combined company Actavis?
5	A. Yes.	5	A. Yes.
6	Q. Was Anda a part of the let me	6	Q. And Anda remained part of Actavis
7	withdraw that.	7	and its successors until Anda was sold to Teva;
8	Was Anda also owned by Actavis,	8	is that correct?
9	if you know?	9	MS. MAHONEY: Objection.
10	A. Define Actavis.	10	THE WITNESS: No.
11	Q. Why don't you explain the reason	11	BY MR. MELAMED:
12	for your hesitation and describe the	12	Q. Was Anda sold at any point by
13	relationships.	13	post merger Actavis and its successors?
	3.60 3.61.7703.77777 011	14	MS. ZOLNER: Objection,
14	MS. MAHONEY: Objection.		
15	THE WITNESS: The name Actavis	15	foundation.
15 16	THE WITNESS: The name Actavis has lived on in a couple different	16	foundation.  MS. MAHONEY: Objection.
15 16 17	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a	16 17	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat
15 16 17 18	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that	16 17 18	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.
15 16 17 18 19	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought	16 17 18 19	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:
15 16 17 18 19 20	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought Actavis, and Watson changed its name to	16 17 18 19 20	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:  Q. Sure. Do you know do you know
15 16 17 18 19 20 21	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought Actavis, and Watson changed its name to Actavis. At the time that Actavis was	16 17 18 19 20 21	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:  Q. Sure. Do you know do you know if another company owns do you know if any
15 16 17 18 19 20 21 22	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought Actavis, and Watson changed its name to Actavis. At the time that Actavis was an entity prior to their being bought by	16 17 18 19 20 21 22	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:  Q. Sure. Do you know do you know if another company owns do you know if any company owns Anda at this point?
15 16 17 18 19 20 21 22 23	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought Actavis, and Watson changed its name to Actavis. At the time that Actavis was an entity prior to their being bought by Watson, we did not own Anda. Watson	16 17 18 19 20 21 22 23	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:  Q. Sure. Do you know do you know if another company owns do you know if any company owns Anda at this point?  A. Yes.
15 16 17 18 19 20 21 22	THE WITNESS: The name Actavis has lived on in a couple different corporate cultures. Actavis was once a company owned by Actavis Iceland that bought Alpharma. Watson then bought Actavis, and Watson changed its name to Actavis. At the time that Actavis was an entity prior to their being bought by	16 17 18 19 20 21 22	foundation.  MS. MAHONEY: Objection.  THE WITNESS: Could you repeat the question.  BY MR. MELAMED:  Q. Sure. Do you know do you know if another company owns do you know if any company owns Anda at this point?

	Page 105		Page 106
1	MS. MAHONEY: Objection.	1	MS. MAHONEY: Objection.
2	THE WITNESS: Teva.	2	BY MR. MELAMED:
3	BY MR. MELAMED:	3	Q. Thank you. I just wanted
4	Q. Do you know when Teva acquired	4	clarification whether you were saying they
5	Anda?	5	didn't or you were not aware. Thank you.
6	A. Sometime after Teva acquiring	6	Do you know whether Actavis met
7	Actavis.	7	with any drug distributors at the HDA?
8	Q. Do you know prior to Anda's	8	MS. ZOLNER: Objection, form.
9	acquisition of the Actavis generic portfolio	9	THE WITNESS: At what meeting?
10	whether Anda was owned by Actavis?	10	BY MR. MELAMED:
11	MS. MAHONEY: Objection.	11	Q. At any HDA meeting.
12	BY MR. MELAMED:	12	A. I'm sorry. Restate the question
13	Q. Who owned Actavis let me	13	for me, please.
14	restate the question.	14	Q. Sure. So Actavis attended some
15	Who owned Anda prior to Teva's	15	HDA meetings, correct?
16	acquisition of Anda?	16	A. Yes.
17	A. I believe it was part of	17	Q. Do you know during its attendance
18	Allergan.	18	at any of those meetings whether it, Actavis,
19	Q. At the HDA conferences, are you	19	met with any of its drug distributor clients?
20	aware whether Actavis met with any other drug	20	MS. ZOLNER: Objection, form.
21	manufacturers?	21	THE WITNESS: I don't know.
22	A. No.	22	BY MR. MELAMED:
23	Q. You're not aware?	23	Q. It's possible? I just want to
24	A. I'm not aware.	24	understand whether you don't know either way;
24	A. Thi not aware.	24	understand whether you don't know either way,
	Page 107		Page 108
1	is that correct?	1	A. Thank you.
2	MS. MAHONEY: Objection.	2	Q. Exhibit 5 is an e-mail string,
3	THE WITNESS: I wasn't there.	3	the last in time being from David Myers to
4	BY MR. MELAMED:	4	Nathalie Leitch on June 16, 2009. The Bates
5	Q. Is it correct you didn't hear	5	range of the e-mail exchange e-mail string is
6	anything subsequently	6	ALLERGAN_MDA_01192443 through 444.
7	A. No.	7	Do you recognize this e-mail
			3
8	<ul><li>Q that indicated that they had</li></ul>	8	string?
8 9	Q that indicated that they had or had not met with them?	8 9	•
	•		string?
9	or had not met with them?	9	string? A. No.
9 10	or had not met with them?  MS. MAHONEY: Objection.	9	string?  A. No.  Q. Do you have any reason to doubt
9 10 11	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.	9 10 11	string? A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from
9 10 11 12	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not	9 10 11 12	string? A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?
9 10 11 12 13	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object	9 10 11 12 13	string? A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you? A. No, I see that it is from me.
9 10 11 12 13 14	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you	9 10 11 12 13 14	string? A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you? A. No, I see that it is from me. Q. And it concerned the subject
9 10 11 12 13 14 15	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to	9 10 11 12 13 14 15	string? A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you? A. No, I see that it is from me. Q. And it concerned the subject matter of your employment at Actavis, correct?
9 10 11 12 13 14 15 16	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.	9 10 11 12 13 14 15	string?  A. No.  Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me.  Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.
9 10 11 12 13 14 15 16	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want	9 10 11 12 13 14 15 16	string?  A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me. Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I
9 10 11 12 13 14 15 16 17	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want to give you plenty to do.	9 10 11 12 13 14 15 16 17	string?  A. No.  Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me.  Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I understand the question.
9 10 11 12 13 14 15 16 17 18	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want to give you plenty to do.  (Document marked for	9 10 11 12 13 14 15 16 17 18	string?  A. No.  Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me.  Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I understand the question.  BY MR. MELAMED:  Q. This wasn't a personal e-mail to
9 10 11 12 13 14 15 16 17 18 19 20	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want to give you plenty to do.  (Document marked for identification as Myers Deposition	9 10 11 12 13 14 15 16 17 18 19 20	string?  A. No.  Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me.  Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I understand the question.  BY MR. MELAMED:
9 10 11 12 13 14 15 16 17 18 19 20 21	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want to give you plenty to do.  (Document marked for identification as Myers Deposition Exhibit No. 5.)	9 10 11 12 13 14 15 16 17 18 19 20 21	string?  A. No. Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me. Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I understand the question.  BY MR. MELAMED: Q. This wasn't a personal e-mail to Nathalie Leitch, correct?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	or had not met with them?  MS. MAHONEY: Objection.  THE WITNESS: No. Thank you.  MS. MAHONEY: Since I'm not allowed to interrupt him, I can't object before you start answering. So when you interrupt him, I don't have anything to do.  THE WITNESS: Okay. And we want to give you plenty to do.  (Document marked for identification as Myers Deposition Exhibit No. 5.)  BY MR. MELAMED:	9 10 11 12 13 14 15 16 17 18 19 20 21 22	string?  A. No.  Q. Do you have any reason to doubt that the e-mail at the top of the string is from you?  A. No, I see that it is from me.  Q. And it concerned the subject matter of your employment at Actavis, correct?  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure I understand the question.  BY MR. MELAMED:  Q. This wasn't a personal e-mail to Nathalie Leitch, correct?  A. No.

	Page 109		Page 110
1	Q. How do you properly pronounce	1	Q. Do you have any reason to doubt
2	Ms. Leitch's first name?	2	that she worked at Cardinal Health at that time?
3	A. Nathalie.	3	A. No.
4	Q. Nathalie.	4	Q. Now, she writes to Denise, and
5	A. With the T-H is yes. She's	5	this is the e-mail that's eventually forwarded
6	Canadian, it's unusual, Nathalie.	6	on to you, it says "I wanted to provide you with
7	Q. Do you see the e-mail from	7	this option to consider for your product Kadian.
8	Kristine Fidler that starts at the bottom of the	8	We have a publication called RxNotes which is a
9	first page and continues on to the second that's	9	16-20 page publication that is received by over
10	subject line "Kadian - New Option For	10	7,000 retail chain and independent pharmacies
11	Marketing"?	11	(Cardinal customers)."
12	A. Let me read it for a second.	12	It talks it's a quarterly
13	(Witness reviews document.)	13	publication. "The next publication includes
14	Yes.	14	pain awareness as a topic of interest." Then it
15	Q. Okay. Do you recall reviewing	15	continues and says, "As Kadian is a pain
16	this e-mail?	16	management product I thought this would be a
17	A. I don't recall reviewing it.	17	good opportunity to place an ad in this
18	Q. Kadian was a brand name opioid at	18	publication for product awareness. A full page
19	this point in time, correct?	19	ad is 2 DSP points - you have a total of 5 DSP
20	A. Yes.	20	points to use this year."
21	Q. And Ms. Fidler, according to the	21	Do you know whether Actavis
22	e-mail, worked at Cardinal Health.	22	placed the ad that is being discussed in this
23	Do you see that?	23	e-mail?
24	A. Yes.	24	A. I do not.
	Page 111		
	Page III		Page 112
1	Q. Do you know whether Actavis ever	1	Health, I do not know who specifically
1 2		1 2	
	<ul><li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li><li>A. I don't know.</li></ul>		Health, I do not know who specifically would have received these.  BY MR. MELAMED:
2	<ul><li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li><li>A. I don't know.</li><li>Q. Do you know what DSP points are,</li></ul>	2	Health, I do not know who specifically would have received these.  BY MR. MELAMED:  Q. Do you recall other offers from
2 3	<ul><li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li><li>A. I don't know.</li></ul>	2	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian?
2 3 4	<ul><li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li><li>A. I don't know.</li><li>Q. Do you know what DSP points are,</li></ul>	2 3 4	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian?  MS. MAHONEY: Objection.
2 3 4 5	<ul> <li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li> <li>A. I don't know.</li> <li>Q. Do you know what DSP points are, as she references those in the e-mail?</li> </ul>	2 3 4 5	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian?
2 3 4 5 6	<ul> <li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li> <li>A. I don't know.</li> <li>Q. Do you know what DSP points are, as she references those in the e-mail?</li> <li>A. I'm not sure.</li> </ul>	2 3 4 5 6	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian?  MS. MAHONEY: Objection.
2 3 4 5 6 7	<ul> <li>Q. Do you know whether Actavis ever placed ads through RxNotes?</li> <li>A. I don't know.</li> <li>Q. Do you know what DSP points are, as she references those in the e-mail?</li> <li>A. I'm not sure.</li> <li>Q. Who would be the best person to</li> </ul>	2 3 4 5 6 7	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection,
2 3 4 5 6 7 8	Q. Do you know whether Actavis ever placed ads through RxNotes?  A. I don't know. Q. Do you know what DSP points are, as she references those in the e-mail?  A. I'm not sure. Q. Who would be the best person to ask those questions to which you just answered you don't know?  MS. ZOLNER: Objection, calls for	2 3 4 5 6 7 8	Health, I do not know who specifically would have received these.  BY MR. MELAMED: Q. Do you recall other offers from Cardinal Health to Actavis to promote Kadian? MS. MAHONEY: Objection. MS. ZOLNER: Objection, foundation. THE WITNESS: No. BY MR. MELAMED:
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1	in its materials distributed to pharmacies?	1	A. At the time in question, yes.
2	MS. MAHONEY: Objection.	2	Q. And the time in question here is
3	THE WITNESS: It's possible that	3	June 2009.
4	they did, but I don't remember specific	4	Do you see that?
5	instances.	5	A. Yeah. Yes.
6	BY MR. MELAMED:	6	Q. Is there a time in question where
7	Q. Do you recall who do you have	7	you would no longer be the best person to ask
8	any idea who would be the best person to ask	8	those questions?
9	that question, if not yourself?	9	MS. MAHONEY: Objection.
10	A. Me.	10	THE WITNESS: At some point
11	Q. And you don't recall?	11	during the Watson ownership of Actavis
12	A. I don't recall. It was a long	12	through the Teva, I had nothing to do
13	time ago.	13	with advertising.
14	Q. Okay. Do you recall whether	14	BY MR. MELAMED:
15	AmerisourceBergen made similar offers of placing	15	Q. Okay. Is it fair to say that
16	advertisements for Actavis Pharmaceutical	16	from at least June 2009 through the Watson
17	products in its communications to its customers?	17	acquisition, you were the primary person at
18	MS. MAHONEY: Objection.	18	Actavis concerning advertising?
19	THE WITNESS: It's possible, but	19	MS. ZOLNER: Objection to form.
20	I don't recall.	20	MS. MAHONEY: Objection.
21	BY MR. MELAMED:	21	THE WITNESS: I was for generics.
22	Q. And would you have been the best	22	BY MR. MELAMED:
23	person to are you the best person to ask that	23	Q. What about for Kadian?
24	question?	24	A. No.
	Page 115		Page 116
1	Q. Who was the primary person for	1	foundation.
2	Kadian during that time period?	2	MS. MAHONEY: Objection.
3	MS. ZOLNER: Objection,	3	THE WITNESS: I believe brand
4	foundation.	4	management.
5	MS. MAHONEY: Objection.		
6	THE WITNESS. I don't long and	5	BY MR. MELAMED:
	THE WITNESS: I don't know.	6	BY MR. MELAMED:  Q. Do you know who headed that unit
7	BY MR. MELAMED:		
7 8	BY MR. MELAMED: Q. Was it in a different	6	Q. Do you know who headed that unit in 2009?  A. I'm sorry, I do not.
7 8 9	BY MR. MELAMED:  Q. Was it in a different different department at Actavis? Was Kadian	6 7	<ul><li>Q. Do you know who headed that unit in 2009?</li><li>A. I'm sorry, I do not.</li><li>Q. Do you know at any point in time</li></ul>
7 8	BY MR. MELAMED:  Q. Was it in a different different department at Actavis? Was Kadian promoted by a different department at Actavis?	6 7 8	<ul> <li>Q. Do you know who headed that unit in 2009?</li> <li>A. I'm sorry, I do not.</li> <li>Q. Do you know at any point in time who was in charge of that unit?</li> </ul>
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	Page 117		Page 118
1	Q. Do you have any reason to doubt	1	Kadian?
2	you wrote it?	2	A. No, sir.
3	A. No.	3	Q. Do you recall why you forwarded
4	Q. At the top, and by "it" I mean	4	the warning letter for Kadian as it appeared on
5	the top one in the string.	5	the FDA's e-mails announcement?
6	A. No, I see that it is from me.	6	A. Because I noticed it, as this is
7	Q. And this wasn't a personal	7	an e-mail announcement that goes out to the
8	e-mail, was it?	8	industry, I noticed something that referred
9	MS. MAHONEY: Objection.	9	that impacted our company or that referred to
10	THE WITNESS: No.	10	our company, so I passed it on so that it could
11	BY MR. MELAMED:	11	be forwarded to whomever the appropriate person
12	Q. This concerned your this	12	was.
13	related to your employment at Actavis, your job	13	(Document marked for
14	duties, correct?	14	identification as Myers Deposition
15	A. Yes.	15	Exhibit No. 7.)
16	Q. And your brief e-mail concerns a	16	BY MR. MELAMED:
17	warning letter for Kadian, which has appeared on	17	Q. I'm going to hand you another
18	the FDA's e-mail announcement, correct?	18	document that's been previously marked in
19	A. Yes.	19	another deposition it's been marked as it
20	Q. Do you recall the warning letter	20	has been previously marked, but it is not here,
21	for Kadian?	21	so I'm going to remark it.
22	A. No.	22	MS. MAHONEY: I don't know how
23	Q. Do you recall any discussions	23	we're doing that anyway, so I think it's
24	about the contents of the warning letter for	24	easier to remark it.
	Page 119		Page 120
		1	
1	MR. MELAMED: Fair enough.	1	Q. Do you recall discussions by
1 2	MR. MELAMED: Fair enough. BY MR. MELAMED:	1 2	
	_		Q. Do you recall discussions by
2	BY MR. MELAMED:	2	Q. Do you recall discussions by anybody else at Actavis about this letter?
2 3	BY MR. MELAMED: Q. It's been marked as Exhibit 7.	2 3	<ul><li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li><li>A. Not specific discussions.</li></ul>
2 3 4	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of	2 3 4	<ul><li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li><li>A. Not specific discussions.</li><li>Q. Do you recall that it was</li></ul>
2 3 4 5	BY MR. MELAMED:  Q. It's been marked as Exhibit 7.  Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by	2 3 4 5	<ul><li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li><li>A. Not specific discussions.</li><li>Q. Do you recall that it was discussed at Actavis?</li></ul>
2 3 4 5 6	BY MR. MELAMED: Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive	2 3 4 5 6	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm</li> </ul>
2 3 4 5 6 7	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning	2 3 4 5 6 7	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm not privy to any discussions.</li> </ul>
2 3 4 5 6 7 8	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it	2 3 4 5 6 7 8	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm not privy to any discussions.</li> <li>Q. Okay. You can put that aside.</li> </ul>
2 3 4 5 6 7 8	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.	2 3 4 5 6 7 8 9	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm not privy to any discussions.</li> <li>Q. Okay. You can put that aside. (Document marked for</li> </ul>
2 3 4 5 6 7 8 9	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter	2 3 4 5 6 7 8 9	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm not privy to any discussions.</li> <li>Q. Okay. You can put that aside.  (Document marked for identification as Myers Deposition</li> </ul>
2 3 4 5 6 7 8 9 10	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?	2 3 4 5 6 7 8 9 10	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)
2 3 4 5 6 7 8 9 10 11	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so.	2 3 4 5 6 7 8 9 10 11	<ul> <li>Q. Do you recall discussions by anybody else at Actavis about this letter?</li> <li>A. Not specific discussions.</li> <li>Q. Do you recall that it was discussed at Actavis?</li> <li>A. I was aware that it existed. I'm not privy to any discussions.</li> <li>Q. Okay. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 8.)</li> <li>BY MR. MELAMED:</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the	2 3 4 5 6 7 8 9 10 11 12 13	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so.  Q. Do you recall whether this is the warning letter to which the prior exhibit, your	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis? A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David
2 3 4 5 6 7 8 9 10 11 12 13 14 15	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know. Q. Okay. Do you have any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis? A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand project update. It starts at Bates number
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know. Q. Okay. Do you have any familiarity with the content of the warning	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand project update. It starts at Bates number ALLERGAN_MDL_1234649 and then includes an
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know. Q. Okay. Do you have any familiarity with the content of the warning letter?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand project update. It starts at Bates number ALLERGAN_MDL_1234649 and then includes an attachment that starts at ALLERGAN_MDL_1234652
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know. Q. Okay. Do you have any familiarity with the content of the warning letter?  A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand project update. It starts at Bates number ALLERGAN_MDL_1234649 and then includes an attachment that starts at ALLERGAN_MDL_1234652 and concludes on 661.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. MELAMED:  Q. It's been marked as Exhibit 7. Exhibit 7 is a letter from the Department of Health & Human Services, says transmitted by facsimile to Doug Boothe, chief executive officer of Actavis, and it's titled Warning Letter. It starts at ACTAVIS0799203 and it continues to 0799214.  Have you seen this warning letter before?  A. I don't believe so. Q. Do you recall whether this is the warning letter to which the prior exhibit, your e-mail in the prior exhibit, which was Exhibit Number 6, referred?  A. I don't know. Q. Okay. Do you have any familiarity with the content of the warning letter?  A. No. Q. Do you recall it being discussed	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you recall discussions by anybody else at Actavis about this letter?  A. Not specific discussions. Q. Do you recall that it was discussed at Actavis?  A. I was aware that it existed. I'm not privy to any discussions. Q. Okay. You can put that aside. (Document marked for identification as Myers Deposition Exhibit No. 8.)  BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 8. Exhibit 8 starts with an e-mail, most recent in time being from David Myers to Elisabet Hjaltadottir dated December 14th, 2009, subject, Actavis brand project update. It starts at Bates number ALLERGAN_MDL_1234649 and then includes an attachment that starts at ALLERGAN_MDL_1234652 and concludes on 661.  Do you recognize this document?

	Page 121		Page 122
1	that you sent the e-mail to and I'm going to	1	the e-mail, you write to Elizabeth, you say, "I
2	refer to her by her first name to Elisabet	2	have attached a booklet that our Kadian sales
3	A. Yes.	3	team uses to promote Kadian to doctors,"
4	Q on this on December 4th	4	correct?
5	14th, 2009?	5	A. Yes.
6	A. No, I believe I did.	6	Q. And that's the attachment that
7	Q. And this was not a personal	7	starts at the Bates number ending 4652, correct?
8	e-mail, correct?	8	A. I believe so.
9	A. No.	9	Q. You have no reason to doubt?
10	Q. It was something that concerned	10	A. I have no reason to doubt.
11	your employed at Act your job duties at	11	Q. Okay. Do you know when the date
12	Actavis, correct?	12	range that the Kadian sales team used this
13	MS. MAHONEY: Objection.	13	booklet to promote Kadian to doctors?
14	THE WITNESS: Yes.	14	MS. MAHONEY: Objection.
15	BY MR. MELAMED:	15	THE WITNESS: No, I don't. No, I
16	Q. And you mention in your e-mail to	16	don't.
17	Elisabet that you've attached a booklet that our	17	BY MR. MELAMED:
18	Kadian sales team uses to promote Kadian to	18	Q. Do you know if the sales team
19	doctors.	19	ceased using this booklet to promote Kadian to
20	Do you see that?	20	doctors at any point after the date you sent
21	A. Can I read that?	21	this e-mail?
22	Q. Yes, of course.	22	MS. MAHONEY: Objection.
23	A. (Witness reviews document.)	23	THE WITNESS: No, I don't.
24	Q. So you see at the beginning of	24	BY MR. MELAMED:
	Page 123		Page 124
1	Q. Do you know who were the members	1	Q. Do you recall any discussions
2	of the Kadian sales team that used this booklet?		
	of the Kadian sales team that used this bookiet:	2	about the content of the booklet used to promote
3	A. I don't know.	3	about the content of the booklet used to promote Kadian that is attached to Exhibit 8?
3 4	A. I don't know.		Kadian that is attached to Exhibit 8?
	<ul><li>A. I don't know.</li><li>Q. Do you know organizationally</li></ul>	3	•
4	A. I don't know.	3 4	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.
4 5	<ul><li>A. I don't know.</li><li>Q. Do you know organizationally where in the organization, what group those</li></ul>	3 4 5	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.
4 5 6	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in?	3 4 5 6	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can
4 5 6 7	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form.	3 4 5 6 7	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.
4 5 6 7 8	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team	3 4 5 6 7 8	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for
4 5 6 7 8 9	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team operated separately, and Kadian had a	3 4 5 6 7 8	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition
4 5 6 7 8 9	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who	3 4 5 6 7 8 9	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)
4 5 6 7 8 9 10	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I	3 4 5 6 7 8 9 10	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:
4 5 6 7 8 9 10 11	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in?  MS. ZOLNER: Objection, form.  THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I don't know who managed them.	3 4 5 6 7 8 9 10 11 12	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:  Q. I'm handing you a document that's
4 5 6 7 8 9 10 11 12 13	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I don't know who managed them. BY MR. MELAMED:	3 4 5 6 7 8 9 10 11 12 13	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:  Q. I'm handing you a document that's been marked Exhibit 9. Exhibit 9 is an e-mail
4 5 6 7 8 9 10 11 12 13 14	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in? MS. ZOLNER: Objection, form. THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I don't know who managed them. BY MR. MELAMED: Q. Do you have any familiarity with	3 4 5 6 7 8 9 10 11 12 13 14	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:  Q. I'm handing you a document that's been marked Exhibit 9. Exhibit 9 is an e-mail string, most recent in time from Rachelle Galant
4 5 6 7 8 9 10 11 12 13 14 15	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in?  MS. ZOLNER: Objection, form.  THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I don't know who managed them.  BY MR. MELAMED: Q. Do you have any familiarity with the booklet used to promote Kadian that is	3 4 5 6 7 8 9 10 11 12 13 14	Kadian that is attached to Exhibit 8?  MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:  Q. I'm handing you a document that's been marked Exhibit 9. Exhibit 9 is an e-mail string, most recent in time from Rachelle Galant to David Myers, July 14th, 2010. The Bates
4 5 6 7 8 9 10 11 12 13 14 15	A. I don't know. Q. Do you know organizationally where in the organization, what group those individuals worked in?  MS. ZOLNER: Objection, form.  THE WITNESS: The brand team operated separately, and Kadian had a separate sales force. I don't know who the members of that team were, and I don't know who managed them.  BY MR. MELAMED: Q. Do you have any familiarity with the booklet used to promote Kadian that is attached to this e-mail starting at 652?	3 4 5 6 7 8 9 10 11 12 13 14 15 16	MS. MAHONEY: Objection.  THE WITNESS: No, sir.  MR. MELAMED: All right. You can put that aside.  (Document marked for identification as Myers Deposition Exhibit No. 9.)  BY MR. MELAMED:  Q. I'm handing you a document that's been marked Exhibit 9. Exhibit 9 is an e-mail string, most recent in time from Rachelle Galant to David Myers, July 14th, 2010. The Bates range is Acquired_Actavis_01373039 to 3041.
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	Page 125		Page 126
1	second page of the e-mail string, which ends	1	journal advertising, industry journal
2	3040, and it references a sell more at higher	2	advertising.
3	prices faster June CY 2010 award.	3	Q. And do you have any understand
4	Do you see that?	4	let me withdraw that, because I tripped over my
5	A. Yes, I do.	5	tongue.
6	Q. Does CY stand for calendar year?	6	Do you have any understanding
7	A. Yes, or current year.	7	about how ad slicks, as a general matter, were
8	Q. Current year.	8	utilized by the sales team to increase sales?
9	And you see that you are	9	MS. MAHONEY: Objection.
10	referenced as somebody under that header,	10	THE WITNESS: I believe they were
11	correct?	11	just used for awareness and discussions
12	A. Yes.	12	with their direct customers.
13	Q. And it's for the development of	13	BY MR. MELAMED:
14	the acetic acid and F-patch ad slicks that will	14	Q. Did you conduct any analysis of
15	be utilized by the sales team to increase sales?	15	the efficacy of ad slicks to drive sales of
16	A. Yes.	16	particular drugs?
17	Q. Is F-patch fentanyl patch?	17	A. No.
18	A. Yes.	18	Q. Do you know if anybody at Actavis
19	Q. Can you describe what an "ad	19	did at or around this time period?
20	slick" is?	20	A. No.
21	A. An ad slick is a marketing	21	Q. So you do not know let me
22	collateral piece that can be used by the sales	22	withdraw that.
23	team. It can be provided to our direct	23	Do you know whether sales of
24	customers, and, occasionally, it can be used for	24	fentanyl patches did increase from mid-2010 in
21	customers, and, occasionary, it can be used for	2 1	remany) pateries did increase from find-2010 in
	Page 127		Page 128
1	the next six-month time period, through the end	1	(Document marked for
1 2	the next six-month time period, through the end of the year?	1 2	(Document marked for identification as Myers Deposition
	of the year?		
2	of the year?  MS. MAHONEY: Objection.	2	identification as Myers Deposition
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	Page 129		Page 130
1	Q. They concerned matters within	1	is that correct?
2	your employment at Actavis, correct?	2	MS. ZOLNER: Objection to form.
3	MS. MAHONEY: Objection.	3	MS. MAHONEY: Objection.
4	THE WITNESS: Yes, sir.	4	THE WITNESS: Let me read the
5	BY MR. MELAMED:	5	e-mail, so I can understand.
6	Q. In the subject line it says	6	BY MR. MELAMED:
7	"Fentanyl VA Mailer."	7	Q. Sure.
8	Does VA there stand for Veterans'	8	A. (Witness reviews document.)
9	Administration?	9	Can you repeat your question?
10	MS. ZOLNER: Objection,	10	Q. I'll phrase it slightly
11	foundation.	11	differently.
12	THE WITNESS: I don't recall.	12	•
13		13	3
	BY MR. MELAMED:		Q. The first sentence says "Thanks
14	Q. Who was Dorothy McEntee?	14	for the revised Fentanyl mailer."
15	A. Dorothy McEntee was the account	15	Do you see that?
16	executive at catalyst agency, which was our	16	A. Yes.
17	agency of record at that time, our ad agency.	17	Q. Can you tell me what that
18	Q. And what do you mean by "agency of record"?	18	references?
19		19	A. Collateral piece for fentanyl.
20	A. They were our main agency to do	20	Q. And used to promote fentanyl,
21	advertising work that we required.	21	correct?
22	Q. So the substance of your	22	A. Yes.
23	July 27th e-mail concerns a revisions to an	23	Q. To whom?
24	advertisement for fentanyl to be sent by mail;	24	A. I'm not entirely sure.
	Page 131		Page 132
1	Q. And then the second paragraph	1	Q. We talked before, you said you
2	talks about an additional project.	2	don't know you don't recall to whom the
3	Do you see that?	3	marriand famtamyl mailen yyayld ba aant aannaat?
4		1 2	revised fentallyl matter would be sent, correct?
_	A. Yes.	4	revised fentanyl mailer would be sent, correct?  MS. MAHONEY: Objection.
5	<ul><li>A. Yes.</li><li>Q. It says, "we want to move forward</li></ul>		-
		4	MS. MAHONEY: Objection.
5	Q. It says, "we want to move forward	4 5	MS. MAHONEY: Objection. THE WITNESS: Not at this moment.
5 6	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl	4 5 6	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED:
5 6 7	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl ad in Drug Store News."	4 5 6 7	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED: Q. Okay. Who are the groups who
5 6 7 8	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl ad in Drug Store News."  Do you see that?	4 5 6 7 8	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED: Q. Okay. Who are the groups who would likely have let me withdraw that.
5 6 7 8 9	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl ad in Drug Store News."  Do you see that?  A. Yes.	4 5 6 7 8 9	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED: Q. Okay. Who are the groups who would likely have let me withdraw that. Did you oversee the creation of
5 6 7 8 9	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl ad in Drug Store News."  Do you see that?  A. Yes.  Q. So that additional project	4 5 6 7 8 9	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED: Q. Okay. Who are the groups who would likely have let me withdraw that. Did you oversee the creation of mailers at this time period for Actavis
5 6 7 8 9 10 11	Q. It says, "we want to move forward immediately with the insertion of the Fentanyl ad in Drug Store News."  Do you see that?  A. Yes. Q. So that additional project concerned the placement of an advertisement for	4 5 6 7 8 9 10	MS. MAHONEY: Objection. THE WITNESS: Not at this moment. BY MR. MELAMED: Q. Okay. Who are the groups who would likely have let me withdraw that. Did you oversee the creation of mailers at this time period for Actavis concerning its generic opioid products?
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	Page 133		Page 134
1	recipients of such mailers in terms of groups,	1	Q. Do you remember for which
2	groups of individuals?	2	products specifically?
3	MS. MAHONEY: Objection.	3	A. I believe oxymorphone ER.
4	THE WITNESS: Generally, mailers	4	Q. Do you recall whether mailers
5	could a mailer may not be entirely	5	concerning any other of Actavis' generic opioids
6	accurate for all the ways in which this	6	were sent directly to physicians under your
7	can be used. As you see, we're doing	7	you know, during the period of time in which you
8	insertions in Drug Store News and US	8	were in charge of this project?
9	Pharmacist. These are publications to	9	A. I don't
10	the industry, not to patients. So it	10	MS. MAHONEY: Objection.
11	could be read by people at drug	11	THE WITNESS: I don't believe so,
12	wholesalers, drug chains and	12	but I'm not entirely sure.
13	pharmacists.	13	BY MR. MELAMED:
14	The fentanyl mailer, I don't	14	Q. You said that mailer may not be
15	specifically recall who it went to. I	15	the right term to use with this specific
16	believe it possibly went to pharmacists.	16	fentanyl advertisement being discussed; is that
17	BY MR. MELAMED:	17	correct?
18	Q. Do you recall whether any mailers	18	A. It may not encompass all the ways
19	you oversaw concerning Actavis' generic opioids	19	it's used.
20	were sent directly to physicians?	20	Q. Can you talk about all the ways
21	A. Yes.	21	that an advertisement such as the one being
22	Q. And were any such mailers sent	22	discussed here could be used?
23	directly to physicians?	23	MS. MAHONEY: Objection.
24	A. Yes.	24	THE WITNESS: In this regard,
	71. 165.		THE WITTLESS. In this regard,
	Page 135		Page 136
	rage 133		Page 136
1	with fentanyl, I believe if memory	1	Do you see that?
1 2		1 2	
	with fentanyl, I believe if memory		Do you see that?
2	with fentanyl, I believe if memory serves correctly, that we did mail it to pharmacists, I believe, but we also used	2	Do you see that? A. Yes.
2 3	with fentanyl, I believe if memory serves correctly, that we did mail it to	2 3	Do you see that?  A. Yes.  Q. And if you turn to page 2 of the
2 3 4	with fentanyl, I believe if memory serves correctly, that we did mail it to pharmacists, I believe, but we also used the same content, the same design and	2 3 4	Do you see that?  A. Yes.  Q. And if you turn to page 2 of the document, which ends with the Bates number 5206,
2 3 4 5	with fentanyl, I believe if memory serves correctly, that we did mail it to pharmacists, I believe, but we also used the same content, the same design and used it for industry publications.	2 3 4 5	Do you see that?  A. Yes.  Q. And if you turn to page 2 of the document, which ends with the Bates number 5206, you see that there's an e-mail addressed to you
2 3 4 5 6	with fentanyl, I believe if memory serves correctly, that we did mail it to pharmacists, I believe, but we also used the same content, the same design and used it for industry publications.  BY MR. MELAMED:	2 3 4 5 6	Do you see that?  A. Yes.  Q. And if you turn to page 2 of the document, which ends with the Bates number 5206, you see that there's an e-mail addressed to you from Dorothy McEntee, correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	with fentanyl, I believe if memory serves correctly, that we did mail it to pharmacists, I believe, but we also used the same content, the same design and used it for industry publications.  BY MR. MELAMED:  Q. Do you recall any other uses for mailers such as the fentanyl mailer being discussed here?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. Was the goal of this mailer to drive sales of fentanyl?  A. The goal of the mailer was to increase awareness of our type of our delivery system of fentanyl.  Q. Why did you want to increase awareness of Actavis' delivery system of fentanyl?  A. To increase sales.  Q. Now, your July 27th e-mail is in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Do you see that?  A. Yes.  Q. And if you turn to page 2 of the document, which ends with the Bates number 5206, you see that there's an e-mail addressed to you from Dorothy McEntee, correct?  A. Yes, sir.  Q. Do you recall this e-mail?  A. Only as it's shown to me now.  Q. Do you have any reason to believe that you did not receive this e-mail?  A. No.  Q. In fact, you responded to it, so presumably you received it, correct?  A. Yes, yes.  Q. Thanks.  In Ms. McEntee's e-mail she references the fentanyl VA mailer we were just discussing at the top, correct?  A. Yes.  Q. She also provides a what appears to be a status update concerning

	Page 137		Page 138
1	Q. Okay. And the first item	1	A. Yes.
2	discussed under "Creative" has two headers, it	2	Q. If you skip down there's another
3	says "Fentanyl ad - done."	3	header for "Oxycodone." Do you see that in the
4	Do you see that?	4	status update?
5	A. Yes.	5	A. Yes.
6	Q. And then it says "Fentanyl	6	Q. Did Catalyst work on advertising
7	Front/Back VA Mailer (Sell Sheet and Ad	7	for Actavis' generic oxycodone on or around this
8	combined)."	8	time period?
9	Do you understand that to be	9	A. I don't know if the project ever
10	referring to two separate projects?	10	got off the ground. I don't recall.
11	A. Probably two separate portions of	11	Q. Do you recall, as you sit here
12	the same or a similar project.	12	right now, whether Actavis ever advertised its
13	Q. What is a sell sheet?	13	oxycodone?
14	A. A sell sheet would be a handout	14	MS. ZOLNER: Objection, form.
15	that a salesman could provide to a buyer when	15	THE WITNESS: I don't
16	they visit or could be provided to a trade show.	16	specifically recall.
17	Q. And what is the purpose of	17	BY MR. MELAMED:
18	providing a sell sheet?	18	Q. If you look at page 3 in the
19	A. To promote awareness of the	19	lighter text, the first header that says "On
20	availability of the product.	20	Hold." This is the page Bates number ending
21	Q. And you wanted the purpose of	21	5207. It says, "Agency will develop a Morphine
22	promoting awareness of the availability of a	22	Sulfate ad."
23	product was ultimately to drive sales of that	23	Do you recall well, what do
24	product; is that right?	24	you understand "On Hold" to mean?
	1 / 2		ĺ
	Daga 120		D 140
	Page 139		Page 140
1		1	THE WITNESS: I do not recall.
1 2		1 2	
	A. Could I read through it just a		THE WITNESS: I do not recall.
2	A. Could I read through it just a second.	2	THE WITNESS: I do not recall. BY MR. MELAMED:
2	A. Could I read through it just a second. Q. Sure.	2 3	THE WITNESS: I do not recall. BY MR. MELAMED: Q. The next On Hold message concerns
2 3 4	<ul> <li>A. Could I read through it just a second.</li> <li>Q. Sure.</li> <li>A. (Witness reviews document.)</li> </ul>	2 3 4	THE WITNESS: I do not recall.  BY MR. MELAMED:  Q. The next On Hold message concerns a Morphine Sulfate sell sheet.
2 3 4 5	<ul> <li>A. Could I read through it just a second.</li> <li>Q. Sure.</li> <li>A. (Witness reviews document.)  In answer to your question, I'm</li> </ul>	2 3 4 5	THE WITNESS: I do not recall.  BY MR. MELAMED:  Q. The next On Hold message concerns a Morphine Sulfate sell sheet.  Do you see that?
2 3 4 5 6	<ul> <li>A. Could I read through it just a second.</li> <li>Q. Sure.</li> <li>A. (Witness reviews document.)  In answer to your question, I'm not sure exactly the specifics. What I perceive</li> </ul>	2 3 4 5 6	THE WITNESS: I do not recall.  BY MR. MELAMED:  Q. The next On Hold message concerns a Morphine Sulfate sell sheet.  Do you see that?  A. Yes.
2 3 4 5 6 7	<ul> <li>A. Could I read through it just a second.</li> <li>Q. Sure.</li> <li>A. (Witness reviews document.)  In answer to your question, I'm not sure exactly the specifics. What I perceive it to be is that we had discussed a possible</li> </ul>	2 3 4 5 6 7	THE WITNESS: I do not recall.  BY MR. MELAMED: Q. The next On Hold message concerns a Morphine Sulfate sell sheet. Do you see that? A. Yes. Q. Do you know whether that
2 3 4 5 6 7 8	A. Could I read through it just a second.  Q. Sure. A. (Witness reviews document.) In answer to your question, I'm not sure exactly the specifics. What I perceive it to be is that we had discussed a possible project and maybe even started a project with	2 3 4 5 6 7 8	THE WITNESS: I do not recall.  BY MR. MELAMED: Q. The next On Hold message concerns a Morphine Sulfate sell sheet. Do you see that? A. Yes. Q. Do you know whether that project withdraw that.
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2 3 4 5 6 7 8 9 10	A. Could I read through it just a second.  Q. Sure. A. (Witness reviews document.) In answer to your question, I'm not sure exactly the specifics. What I perceive it to be is that we had discussed a possible project and maybe even started a project with the agency and then decided to stop production.  Q. And you personally had had a longstanding relationship with Catalyst by this	2 3 4 5 6 7 8 9 10 11	THE WITNESS: I do not recall.  BY MR. MELAMED: Q. The next On Hold message concerns a Morphine Sulfate sell sheet. Do you see that? A. Yes. Q. Do you know whether that project withdraw that. Do you know whether the project being described there ever came off of the on hold status?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Could I read through it just a second.  Q. Sure. A. (Witness reviews document.) In answer to your question, I'm not sure exactly the specifics. What I perceive it to be is that we had discussed a possible project and maybe even started a project with the agency and then decided to stop production. Q. And you personally had had a longstanding relationship with Catalyst by this point in time; is that accurate? A. Yes. MS. MAHONEY: Objection. THE WITNESS: Yes. BY MR. MELAMED: Q. So your understanding is based on that relationship? A. Yes, how we would manage the relationship. Q. Do you recall whether Actavis ever advertised generic Morphine Sulfate?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: I do not recall.  BY MR. MELAMED: Q. The next On Hold message concerns a Morphine Sulfate sell sheet. Do you see that? A. Yes. Q. Do you know whether that project withdraw that. Do you know whether the project being described there ever came off of the on hold status?  MS. MAHONEY: Objection. THE WITNESS: Let me just read it. It will help familiarize me.  BY MR. MELAMED: Q. Please. A. (Witness reviews document.) I don't remember if we ever completed work on this. Q. Do you recall whether Actavis ever advertised generic Morphine Sulfate? A. I do not.

1	Page 141		Page 142
	Do you see that?	1	ads promoting Actavis products were actually
2	A. Yes.	2	running on the NACDS Guide at this point in
3	Q. And then it says "3 panels	3	time?
4	released to Westerly - done."	4	MS. ZOLNER: Objection.
5	Do you know what event that	5	Objection, foundation.
6	refers to?	6	MS. MAHONEY: Objection.
7	A. I do not recall.	7	THE WITNESS: Sorry. Ask me the
8	Q. Do you recall what drugs, if any,	8	question again.
9	were referenced by the three panels that are	9	BY MR. MELAMED:
10	referenced in the e-mail?	10	Q. Sure.
11	A. I do not.	11	Do you have do you understand
12	Q. If you turn to page 4 of the	12	this sentence to mean that banner ads for
13	e-mail ends on 5208, and it says there's	13	Actavis products were at the time this was
14	under the header "WEB" there's another "On Hold"	14	written running on the NACDS guide?
15	prep preface to a sentence.	15	A. I don't know if they were running
16	Do you see that?	16	or if they were related to products.
17	A. Yes.	17	Q. What do you mean "if they were
18	A. 1 es.  MS. MAHONEY: Objection.	18	related to products"?
			-
19 20	BY MR. MELAMED:	19	A. We could possibly run a banner ad
	Q. It says, "(On Hold) banner ads		to promote just the company Actavis.
21	currently running on NACDS Guide can change at	21	Q. Understood. Is it accurate to
22	any time until May 11th, 2011."	22	say that Actavis did run banner ads on the NACDS
23	Do you understand that to mean	23	Guide?
24	that banner ads were actually running banner	24	A. At one point or another.
	Page 143		Page 144
1	Q. What is the NACDS guide?	1	A. Yes.
2	A. I believe that that is their	2	Q. What are what is meant by
3	online website.	3	"insertions" in those sentences. Let me
4	Q. Do you recall any specific		
		4	withdraw that.
5		4 5	withdraw that.
5 6	products Actavis advertised through banner ads		withdraw that.  Do you have an understanding of
	products Actavis advertised through banner ads on the NACDS guide?	5	withdraw that.  Do you have an understanding of what is meant by "insertions" in that sentence?
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	Page 145		Page 146
1	A. Yes.	1	knowledge, ever advertise individual specific
2	Q. And Chain Drug Review, correct?	2	products through media insertions in
3	A. Yes.	3	periodicals?
4	Q. And American Health and Drug	4	A. Yes, I believe so.
5	Benefits, correct?	5	Q. Do you recall whether it ever
6	A. Yes.	6	advertised any specific opioid products through
7	Q. Do you recall the content of any	7	media insertions in periodicals?
8	of those advertisements?	8	A. It is possible.
9	A. I do not.	9	Q. You don't recall either way?
10	Q. Do you recall whether they	10	A. No.
11	related to Actavis generally?	11	Q. If you look at the bottom, very
12	MS. ZOLNER: Objection, form.	12	bottom of 4, it says, "Insertion Orders" and
13	THE WITNESS: I don't remember	13	then continues on to 5 to say "Ideally, 50% of
14	the content of these specific ads for	14	placement should be product advertising."
15	that those months.	15	Do you see that?
16	BY MR. MELAMED:	16	A. Yes.
17	Q. So is it accurate that they could	17	Q. Does that refresh your
18	have been specific to individual Actavis	18	recollection whether the ads concerned specific
19	products?	19	Actavis products?
20	MS. MAHONEY: Objection.	20	A. It refreshes my recollection that
21	THE WITNESS: It's not	21	that was a target that we would like to meet.
22	impossible.	22	Whether we met it, I don't know. And the
23	BY MR. MELAMED:	23	specific products, I don't have I don't
24	Q. Did Actavis, to the best of your	24	recollect an entire list of what we advertised.
	·		
	Page 147		Page 148
			5
1	Q. You can put that aside.	1	believe that you did not send the e-mail
1 2	<ul><li>Q. You can put that aside.</li><li>(Document marked for</li></ul>	1 2	
	_		believe that you did not send the e-mail
2	(Document marked for	2	believe that you did not send the e-mail reflected on the middle of the first page of
2	(Document marked for identification as Myers Deposition	2 3	believe that you did not send the e-mail reflected on the middle of the first page of this 4338 that's addressed Dorothy, et al.?
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	Page 149		Page 150
1	e-mails, correct?	1	advertisement that Catalyst was working on for
2	MS. MAHONEY: Objection.	2	Actavis for insertion in a periodical called
3	THE WITNESS: No.	3	Drug Store News; is that correct?
4	BY MR. MELAMED:	4	MS. MAHONEY: Objection.
5	Q. And by that I mean, they are, to	5	THE WITNESS: I believe so.
6	the contrary, e-mails concerning your employment	6	BY MR. MELAMED:
7	at Actavis, correct?	7	Q. And the advertisement concerned
8	MS. MAHONEY: Objection.	8	fentanyl; is that correct?
9	THE WITNESS: Yes.	9	A. Yes.
10	BY MR. MELAMED:	10	Q. And if you look at your e-mail on
11	Q. And they concern a if you go	11	the next page, so going back in time, on the
12	back to the first page of the e-mail string, in	12	Bates the page ending with Bates number 4339,
13	your e-mail, second in time second most	13	the second paragraph you talk about or you
14	recent, the one that starts Dorothy, et al., it	14	wrote, "Now we are looking to use the Fentanyl
15	says, "Attached are the Word files for use in	15	'binoculars' ad creative in an actual trade
16	creating the full PI attachment for Drug Store	16	journal advertisement, and I need some guidance
17	News. I believe the order of the text should	17	from you."
18	be, insert, med guide, instructions for	18	Do you see that?
19	applying. Please proceed with formatting these	19	A. Yes.
20	into an appropriate form for insertion in Drug	20	Q. Is it your understanding that the
21	Store News."	21	advertisement that this e-mail string continues
22	Do you see that?	22	to address as it moves forward in time concerns
23	A. Yes.	23	that formatting of that fentanyl binoculars
24	Q. So this concerned an	24	ad for placement in the Drug Store News?
	Page 151		Dama 150
	1430 202		Page 152
1		1	
1 2	MS. ZOLNER: Objection, form. THE WITNESS: Let me take a	1 2	MS. MAHONEY: Objection. THE WITNESS: I have no reason to
	MS. ZOLNER: Objection, form.		MS. MAHONEY: Objection. THE WITNESS: I have no reason to
2	MS. ZOLNER: Objection, form. THE WITNESS: Let me take a	2	MS. MAHONEY: Objection.
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2 3 4 5	MS. ZOLNER: Objection, form. THE WITNESS: Let me take a moment to read the BY MR. MELAMED: Q. Yes.	2 3 4 5	MS. MAHONEY: Objection. THE WITNESS: I have no reason to believe that it was not, but, as you've seen in the other documents, sometimes we put projects on hold.
2 3 4 5 6	MS. ZOLNER: Objection, form. THE WITNESS: Let me take a moment to read the BY MR. MELAMED: Q. Yes. A. (Witness reviews document.)	2 3 4 5 6	MS. MAHONEY: Objection. THE WITNESS: I have no reason to believe that it was not, but, as you've seen in the other documents, sometimes we put projects on hold. BY MR. MELAMED:
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	Page 153		Page 154
1	"market research"? That's a broad term.	1	identification as Myers Deposition
2	BY MR. MELAMED:	2	Exhibit No. 12.)
3	Q. Sure. Do you know whether	3	BY MR. MELAMED:
4	Actavis conducted any analysis to consider the	4	Q. I'm handing you what's been
5	potential revenues to be gained from selling	5	marked Myers Exhibit 12. Myers Exhibit 12
6	generic version of buprenorphine before	6	starts with an e-mail from Steve Kane to David
7	launching the drug?	7	Myers and Dorothy cc'ing Dorothy McEntee on
8	A. Yes.	8	September 13th, 2010, subject is Re:
9	Q. Do you know who performed that?	9	"buprenorphine advertisement." It contains a
10	MS. MAHONEY: Objection.	10	series of attachments, and then within the
11	THE WITNESS: I do not.	11	document on page Bates number ending 3147
12	BY MR. MELAMED:	12	contains another e-mail from David Myers to
13		13	addressed to Dorothy and a series of
14	Q. You know that buprenorphine is a	14	attachments. The entire Bates range of the
	drug used to treat opioid addiction, correct?		document is Acquired_Actavis_01373136 through
15	A. I believe so.	15	
16	Q. So it is true that at the time	16	3160.
17	Actavis was marketing and selling opioids,	17	Do you recall this document?
18	including Kadian, fentanyl patch we've	18	A. No.
19	discussed, oxycodone, it was also marketing and	19	Q. If you turn to I want to start
20	selling a drug used to treat opioid addiction,	20	with your e-mail, which is on the page with the
21	correct?	21	Bates number ending 3147.
22	MS. MAHONEY: Objection.	22	A. Okay.
23	THE WITNESS: I believe so.	23	Q. And you write that "we'd like to
24	(Document marked for	24	begin development on a new drug we expect to be
	Page 155		D 156
	1490 133		Page 156
1		1	
1 2	approved in October", and then you provide details.	1 2	
	approved in October", and then you provide		Q. In the last sentence you say it,
2	approved in October", and then you provide details.	2	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?
2	approved in October", and then you provide details.  Do you see that?  A. Yes, sir.	2 3	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews
2 3 4	approved in October", and then you provide details.  Do you see that?  A. Yes, sir.  Q. And the drug was buprenorphine	2 3 4	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews document.)
2 3 4 5	approved in October", and then you provide details.  Do you see that?  A. Yes, sir.	2 3 4 5	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews
2 3 4 5 6	approved in October", and then you provide details.  Do you see that?  A. Yes, sir.  Q. And the drug was buprenorphine hydrochloride sublingual tablets, correct?  A. Yes.	2 3 4 5 6	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews document.)  What does "it" refer to is your question?
2 3 4 5 6 7	approved in October", and then you provide details.  Do you see that?  A. Yes, sir. Q. And the drug was buprenorphine hydrochloride sublingual tablets, correct?  A. Yes. Q. Do you recall whether you	2 3 4 5 6 7	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews document.)  What does "it" refer to is your question?  Q. Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	approved in October", and then you provide details.  Do you see that?  A. Yes, sir. Q. And the drug was buprenorphine hydrochloride sublingual tablets, correct?  A. Yes. Q. Do you recall whether you received approval on or around October 2010 to sell that drug?  A. I know we received approval. I don't recall the date. Q. Okay. And you provide other specific information about the drug in the bullets?  A. Mm-hmm. Q. And then if you turn to the next page, the paragraph that begins, as usual, provides some guidance about the type of advertisement you would like to see, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews document.)  What does "it" refer to is your question?  Q. Yes.  A. "It" is the advertising concept.  Q. Okay. So you write that the concept, the advertising concepts can be indication adjacent and reference the use of the moon in the Zolpidem ad.  A. Yes.  MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. Correct?  A. Yes.  Q. Zolpidem is a sleeping aid; is that correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	approved in October", and then you provide details.  Do you see that?  A. Yes, sir. Q. And the drug was buprenorphine hydrochloride sublingual tablets, correct? A. Yes. Q. Do you recall whether you received approval on or around October 2010 to sell that drug? A. I know we received approval. I don't recall the date. Q. Okay. And you provide other specific information about the drug in the bullets? A. Mm-hmm. Q. And then if you turn to the next page, the paragraph that begins, as usual, provides some guidance about the type of advertisement you would like to see, correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. In the last sentence you say it, referring to the ad or the imagery what does "it" refer to in the last sentence?  A. Let me read. (Witness reviews document.)  What does "it" refer to is your question?  Q. Yes.  A. "It" is the advertising concept.  Q. Okay. So you write that the concept, the advertising concepts can be indication adjacent and reference the use of the moon in the Zolpidem ad.  A. Yes.  MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. Correct?  A. Yes.  Q. Zolpidem is a sleeping aid; is that correct?  A. Yes.

1 MS. MAHONEY: Objection. 2 THE WITNESS: Ibelieve it did 3 not. 3 not. 4 BY MR. MELAMED: 5 Q. According to what you write, you to use the moon to be indication adjacent as suggestive of sleep, without saying anything of sleep; is that an accurate summary? 9 MS. ZOLNER: Objection form. 10 MS. MAHONEY: Objection. 11 THE WITNESS: I think that's an assumption. 12 assumption. 13 BY MR. MELAMED: 14 Q. Does that reflect accurately the assumption you think is expressed in your sentence that starts with can be indication. 15 MS. ZOLNER: Objection, form. 16 MS. ZOLNER: Objection, form. 17 adjacent? 18 MS. ZOLNER: Objection, form. 19 THE WITNESS: Possibly, yes. 20 BY MR. MELAMED: 21 Q. Is there any reason for the 21 besitution, the possibly in that response? 22 A. Only because I know that we've used images and imagery that had nothing to do to speak for legal or regulatory approved, unless I specifically ask you that question. 24 Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page ending in 3137. 25 The text says "leave the past ending in 3137. 26 Q. Do you understand what is meant to by "the past" in this sentence? 27 MS. ZOLNER: Objection to form. 28 MS. MAHONEY: Objection to form. 29 MS. ZOLNER: Objection to form. 20 MS. ZOLNER: Objection to form. 21 MS. ZOLNER: Objection to form. 22 MS. ZOLNER: Objection to form. 23 MS. MAHONEY: Objection to form. 24 What you wrote? 25 MS. ZOLNER: Objection to form. 26 MS. ZOLNER: Objection to form. 27 MS. ZOLNER: Objection to form. 28 MS. ZOLNER: Objection to form. 29 MS. ZOLNER: Objection to form. 30 MS. MAHONEY: Objection. 31 MS. MAHONEY: Objection. 32 MS. ZOLNER: Objection to form. 33 MS. MAHONEY: Objection. 34 MS. ZOLNER: Objection to form. 35 MS. MAHONEY: Objection. 36 MS. ZOLNER: Objection to form. 37 MS. ZOLNER: Objection to form. 38 MS. MAHONEY: Objection. 39 MS. ZOLNER: Objection to form. 30 MS. ZOLNER: Objection. 31 MS. ZOLNER: Objection. 31 MS. ZOLNER: Objection. 32 MS. ZOLNER: Objection. 33 MS. ZOLNER: Ob		Page 157		Page 158
THE WITNESS: I believe it did not.  BY MR. MELAMED: Q. According to what you write, you use the moon to be indication adjacent as suggestive of sleep, without saying anything of sleep: is that an accurate summary? Show the summa	1	MS_MAHONEY: Objection	1	with what the drug did
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5 Q. According to what you write, you see the moon to be indicated adjacent a suggestive of sleep, without saying anything of sleep; is that an accurate summany?  9 MS. ZOLNER: Objection to form. 10 MS. MAHONEY: Objection. 11 THE WTINESS: I think that's an assumption. 12 assumption. 13 BY MR. MELAMED: 14 Q. Does that reflect accurately the assumption you think is expressed in your 16 sentence that starts with can be indication adjacent? 16 sentence that starts with can be indication adjacent? 17 THE WTINESS: Possibly, yes. 18 MS. ZOLNER: Objection, form. 19 THE WTINESS: Possibly, yes. 20 BY MR. MELAMED: 21 Q. Is there any reason for the hesitation, the possibly in that response? 22 A. Only because I know that we've used images and imagery that had nothing to do  Page 159  1 at the time, not a legal or regulatory approved guidance. 3 BY MR. MELAMED: 4 Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question. 7 A. Okay. 8 Q. All right. If you could turn back to the second page now. I just want to 10 look at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol olok at some of these concepts, so the page 1 chol				· ·
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sleep; is that an accurate summary?  MS, ZOLNER: Objection to form.  MS, MAHONEY: Objection.  THE WITNESS: I think that's an assumption.  BY MR, MELAMED:  Gould use an analogy similar to the moon for a sleeping aid for a drug used to treat opioid addiction.  THE WITNESS: Possibly, yes.  BY MR, MELAMED:  THE WITNESS: Possibly, yes.  BY MR, MELAMED:  THE WITNESS: Possibly, yes.  BY MR MELAMED:  A Only because I know that we've used images and imagery that had nothing to do  at the time, not a legal or regulatory approved, unless I specifically ask you that question.  A Okly because I know that we've unless I specifically ask you that question.  A Okay.  Q. All right. If you could rum back to the second page now. I just want to look at some of these concepts, so the page and imagery in that response?  A Okay and the sketch appears to be bars of a jail cell, correct?  MS. ZOLNER: Objection. Please MS. MAHONEY: Objection. Please in the state of the wind in the word of the moon for a sleeping aid for a drug used to treat opioid addiction.  Is that you wrote?  What wou wrote?  What you wrote?  What wou wrote?  What you wrote?  What wo wrote?  What you wrote?  What you wrote?  What you wrote?  What you wrote?  What whis was dau you understanding of what what we we was along your understand what the jai		•		•
MS. ZOLNER: Objection to form.  MS. MAHONEY: Objection.  THE WTNES: I think that's an  12 assumption.  BY MR. MELAMED:  Q Does that reflect accurately the  15 assumption you think is expressed in your  16 sentence that starts with can be indication  17 adjacent?  18 MS. ZOLNER: Objection, form.  19 THE WTNESS: Possibly, yes.  20 BY MR. MELAMED:  10 Q Is there any reason for the  21 hesitation, the possibly in that response?  22 A. Only because I know that we've  23 and imagery that had nothing to do  24 used images and imagery that had nothing to do  25 at the time, not a legal or regulatory approved guidance.  26 unless I specifically ask you that question.  27 A. Okay.  8 Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page ending in 3137.  28 The text says "leave the past behind."  29 De you understand what is meant by "the past" in this sentence?  20 A. Since this is a drug to help people get off of drug dependence, it's starting anew.  20 Q. Getting off the drug?  21 Getting off the drug?  22 MS. ZOLNER: Objection. Please providing to Objection. Please in this day and proved understand what the position to spend for the many proved, to speak for legal or regulatory approved, to speak for legal or regulatory approved, and the second page now. I just want to look at some of these concepts, so the page ending in 3137.  20 The text says "leave the past behind."  21 Do you see that?  22 A. Since this is a drug to help people get off of drug dependence, it's starting anew.  23 Q. Getting off the drug?  24 G. Getting off the drug?  25 MS. ZOLNER: Objection. Please providing to Oprothy was that you could addiction.  26 MS. ZOLNER: Objection form.  27 A. That's inferred, yes.  28 A. That's inferred, yes.  29 A. That's inferred, yes.  30 A. That's inferred, yes.  41 A. Many-harm.  42 A. Yes.  43 A. Many-harm.  44 B. Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, to speak for legal or regulatory approved, to speak for le				
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THE WITNESS: 1 think that's an assumption.  12 assumption.  13 BY MR. MELAMED: 14 Q. Does that reflect accurately the assumption you think is expressed in your sentence that starts with can be indication adjacent?  15 adjacent?  16 MS. ZOLNER: Objection, form. 17 adjacent?  18 MS. ZOLNER: Objection, form. 19 THE WITNESS: Possibly, yes. 20 BY MR. MELAMED: 21 Q. Is there any reason for the hesitation, the possibly in that response? 22 hesitation, the possibly in that response? 23 A. Only because I know that we've used images and imagery that had nothing to do  Page 159  1 at the time, not a legal or regulatory approved, unless I specifically ask you that question. 2 Q. Fair enough. I'm not asking you to speak for legal or regulatory approved guidance. 3 BY MR. MELAMED: 4 Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question. 4 Q. All right. If you could turn book at some of these concepts, so the page ending in \$137.  2 The text says "leave the past behind."  2 Do you understand what is meant by "the past" in this sentence?  3 A. Since this is a drug to help people get off of drug dependence, it's starting anew. 2 Q. Getting off the drug?  3 Q. Getting off the drug?  3 G. Getting off the drug?  3 G. Got the guidance that you were providing to Dorothy was that you could -she could use an analogy similar to the moon for a sleeping aid for a drug used to treat opioid addiction.  4 What this ad agency is proposing.  4 Q. Right.  4 And so the proposal is the past is leaving that drug dependence behind?  5 A. That's inferred, yes.  4 Do All right. If you could turn be be asso of a jail cell, correct?  8 A. Mm-hmm.  9 C. And those bars have been bent so that somebody has the implication being that somebody has the implication being that somebody has the implication being that somebody has caped; is that right?  5 A. Yes, sir.  6 Q. Do you understand what is meant by "the past" in this scentence?  9 Q. What is your inference?  10 Q. What is your		•		
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Q. Does that reflect accurately the assumption you think is expressed in your sentence that starts with can be indication adjacent?  MS. ZOLNER: Objection, form. THE WITNESS: Possibly, yes. 19 BY MR. MELAMED: 20 BY MR. MELAMED: 21 A. Only because I know that we've used images and imagery that had nothing to do unless I specifically ask you that question. 4 BY MR. MELAMED: 22 BY MR. MELAMED: 23 A. Only because I know that we've used images and imagery that had nothing to do 24  THE WITNESS: That was my opinion 24  Page 159  The what this ad agency is proposing. 24  Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question. 4 Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page ending in 3137. The text says "leave the past in the searce concepts, so the page and images" in this sentence? 25 A. Yes, sir. 15 Q. Do you understand what is meant by "the past" in this sentence? 17 A. I can infer what it means. 19 Q. What is your inference? 19 Q. Getting off the drug? 23 Q. Getting off the drug? 23  Q. Getting off the drug? 23  Dos on the second page now. I providing to Dorothy was that you could use an analogy similar to the moon for a sleeping aid for a drug used to treat opioid addiction. 18  Is that your understanding of what you wrote?  What you wrote?  Ms. ZOLNER: Objection to form.  Ms. MAHONEY: Objection to form.  What this ad agency is proposing.  Q. Right.  A. That's inferred, yes. Q. Okay. And the sketch appears to be bars of a jail cell, correct?  A. Mm-hmm. Q. And those bars have been bent so that somebody has escaped; is that right?  A. Yes.  Q. So the jail cell represented opioid addiction in this drawing; is that correct?  MS. ZOLNER: Objection.  MS. MAHONEY: Objection.  MS. MAHONEY: Objection to form.  MS. MAHONEY: Objection to firm that right?  A. Yes.  Q. So the jail cell represented opioid addiction in this drawing?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.	13	÷	13	•
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19 THE WITNESS: Possibly, yes. 20 BY MR. MELAMED: 21 Q. Is there any reason for the 22 hesitation, the possibly in that response? 23 A. Only because I know that we've 24 used images and imagery that had nothing to do 25 THE WITNESS: That was my opinion  Page 159  Page 159  Page 160  1 at the time, not a legal or regulatory 2 approved guidance. 3 BY MR. MELAMED: 4 Q. Fair enough. I'm not asking you 5 to speak for legal or regulatory approved, 6 unless I specifically ask you that question. 7 A. Okay. 8 Q. All right. If you could turn 9 back to the second page now. I just want to 10 look at some of these concepts, so the page 11 ending in 3137. 12 The text says "leave the past 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 20 A. Since this is a drug to help 21 people get off of drug dependence, it's starting 22 anew. 20 Is that your understanding of what you wrote? 21 what you wrote? 22 MS. ZOLNER: Objection to form. 31 What this ad agency is proposing. 22 What this ad agency is proposing. 4 Is what this ad agency is proposing. 4 Is what this ad agency is proposing. 4 What this ad agency is proposing. 4 Is what this ad agency is propos	18	•	18	
Q. Is there any reason for the hesitation, the possibly in that response?  A. Only because I know that we've used images and imagery that had nothing to do  Page 159  at the time, not a legal or regulatory approved guidance.  BY MR. MELAMED:  Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question.  A. Okay.  Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page 1 cending in 3137.  The text says "leave the past 1 behind."  A. Yes, sir.  Q. Do you understand what is meant by "the past" in this sentence?  A. Since this is a drug to help people get off of drug dependence, it's starting anew.  Q. Getting off the drug?  A. Only was And so the proposal is the past is leaving that drug dependence behind?  A. That's inferred, yes.  Q. Okay. And the sketch appears to be bars of a jail cell, correct?  A. Mm-hmm.  Q. And those bars have been bent so that somebody has the implication being that somebody has escaped; is that right?  A. Yes, sir.  Correct?  MS. ZOLNER: Objection to form.  MS. MAHONEY: Objection to form.  A. A. Mm-hmm.  Q. And those bars have been bent so that somebody has the implication being that somebody has escaped; is that right?  A. Yes, sir.  A. Yes, sir.  BY MR. MELAMED:  A. I can infer what it means.  BY MR. MELAMED:  Q. Let me restate that.  How do you understand what the jail cell represents in this drawing?  MS. ZOLNER: Objection, foundation.	19		19	addiction.
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Page 159  Page 159  Page 160  1 at the time, not a legal or regulatory approved guidance.  BY MR. MELAMED:  4 Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question.  7 A. Okay.  8 Q. All right. If you could turn  9 back to the second page now. I just want to look at some of these concepts, so the page ending in 3137.  12 The text says "leave the past  13 behind."  14 Do you see that?  15 A. Yes, sir.  Q. Do you understand what is meant  16 W. SZOLNER: Objection.  17 A. Since this is a drug to help  20 Q. Getting off the drug?  Page 160  What this ad agency is proposing.  Q. Right.  And so the proposal is the past is leaving that drug dependence behind?  A. That's inferred, yes.  Q. Okay. And the sketch appears to be bars of a jail cell, correct?  A. Mm-hmm.  9 Q. And those bars have been bent so that somebody has the implication being that somebody has escaped; is that right?  A. Yes.  12 A. Yes.  13 Q. So the jail cell represented opioid addiction in this drawing; is that correct?  MS. ZOLNER: Objection.  BY MR. MELAMED:  Q. Let me restate that.  How do you understand what the jail cell represents in this drawing?  MS. ZOLNER: Objection,  18 A. Since this is a drug to help  20 A. Since this is a drug to help  21 people get off of drug dependence, it's starting anew.  22 MS. ZOLNER: Objection,  3 A. That's infered, yes.  A. Mahoney: Objection,  4 is leaving that drug dependence, it's starting anew.  24 MS. ZOLNER: Objection,  5 A. That's infered, yes.  A. Mahoney: Objection,  6 Q. Nat this ad agency is proposition.  Page 160  A. That's infered, yes.  A. That's infered at generates to hein and a selection form.  Page 160  A. Tha	22	hesitation, the possibly in that response?	22	MS. ZOLNER: Objection to form.
Page 159  at the time, not a legal or regulatory approved guidance.  BY MR. MELAMED: Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question. A. Okay. Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page ending in 3137. The text says "leave the past behind."  Do you see that? A. Yes, sir. Q. Do you understand what is meant by "the past" in this sentence? A. Since this is a drug to help people get off of drug dependence, it's starting anew.  Page 159  What this ad agency is proposing. Q. Right. And so the proposal is the past is leaving that this ad agency is proposing. Q. Right. And so the proposal is the past is leaving that drug dependence behind? A. That's inferred, yes. Q. Okay. And the sketch appears to be bars of a jail cell, correct? A. Mm-hmm. Q. And those bars have been bent so that somebody has the implication being that somebody has the implication being that somebody has escaped; is that right? A. Yes. Q. So the jail cell represented opioid addiction in this drawing; is that correct? MS. ZOLNER: Objection. BY MR. MELAMED: Q. Let me restate that. How do you understand what the jail cell represents in this drawing? A. Since this is a drug to help people get off of drug dependence, it's starting anew.  Q. Getting off the drug?  A. Since this in this drawing? A. Sollenge for of drug dependence, it's starting anew.  22 MS. ZOLNER: Objection, foundation.	23	A. Only because I know that we've	23	MS. MAHONEY: Objection.
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at the time, not a legal or regulatory approved guidance.  BY MR. MELAMED:  Q. Fair enough. I'm not asking you to speak for legal or regulatory approved, unless I specifically ask you that question.  A. Okay.  Q. All right. If you could turn back to the second page now. I just want to look at some of these concepts, so the page ending in 3137.  The text says "leave the past behind."  Do you see that?  A. Yes, sir.  Q. Do you understand what is meant by "the past" in this sentence?  A. I can infer what it means.  Q. What is your inference?  A. Since this is a drug to help approved guidance.  2 Q. Right. And so the proposal is the past is leaving that drug dependence behind?  A. That's inferred, yes.  Q. Okay. And the sketch appears to be bars of a jail cell, correct?  A. Mm-hmm.  Q. And those bars have been bent so that somebody has the implication being that somebody has escaped; is that right?  A. Yes.  Q. So the jail cell represented opioid addiction in this drawing; is that correct?  MS. ZOLNER: Objection.  BY MR. MELAMED:  Q. Let me restate that.  How do you understand what the jail cell represents in this drawing?  A. Since this is a drug to help anew.  Q. Getting off the drug?  23 MS. ZOLNER: Objection, foundation.				
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3 BY MR. MELAMED: 4 Q. Fair enough. I'm not asking you 5 to speak for legal or regulatory approved, 6 unless I specifically ask you that question. 7 A. Okay. 8 Q. All right. If you could turn 9 back to the second page now. I just want to 10 look at some of these concepts, so the page ending in 3137. 11 somebody has escaped; is that right? 12 The text says "leave the past 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 20 A. Since this is a drug to help 21 people get off of drug dependence, it's starting 22 anew. 23 Q. Getting off the drug? 24 And so the proposal is the past is leaving that drug dependence behind? 4 is leaving that drug dependence behind? 4 A. That's inferred, yes. 4 A. Mm-hmm. 9 be bars of a jail cell, correct? 4 A. Mm-hmm. 9 Q. And those bars have been bent so that somebody has the implication being that somebody has escaped; is that right? 4 A. Yes. 4 Yes. 4 Yes. 4 Yes. 5 A. Yes. 4 So the jail cell represented 6 Do joid addiction in this drawing; is that correct? 8 A. Yes. 8 A. Mm-hmm. 9 Q. So the jail cell represented 9 pojoid addiction in this drawing; is that correct? 8 MS. ZOLNER: Objection, 9 Q. Let me restate that. 9 Q. MS. ZOLNER: Objection, 9 jail cell represents in this drawing? 9 Jail cell represents in	1	at the time, not a legal or regulatory	1	what this ad agency is proposing.
4 Q. Fair enough. I'm not asking you 5 to speak for legal or regulatory approved, 6 unless I specifically ask you that question. 7 A. Okay. 8 Q. All right. If you could turn 9 back to the second page now. I just want to 10 look at some of these concepts, so the page 11 ending in 3137. 12 The text says "leave the past 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 20 A. Since this is a drug to help 21 people get off of drug dependence, it's starting 22 anew. 20 Cokay. And the sketch appears to 20 A. Mm-hmm. 20 A. Mm-hmm. 21 dependence behind? 22 MS. ZOLNER: Objection, 22 MS. ZOLNER: Objection, 23 Q. Getting off the drug? 24 is leaving that drug dependence behind? 3 A. That's inferred, yes. 4 A. Mm-hmm.  9 D. A A Yes. 11 sembody has escaped; is that right? 4 A. Yes. 12 A. Yes. 13 Q. So the jail cell represented 4 opioid addiction in this drawing; is that 4 opioid addiction in this drawing; is that 4 opioid addiction in this drawing; is that 5 A. Yes. 15 correct? 16 MS. ZOLNER: Objection. 18 BY MR. MELAMED: 19 Q. Let me restate that. 19 Q. Let me restate that. 19 Q. Let me restate that. 19 A. Since this is a drug to help 20 How do you understand what the 21 jail cell represents in this drawing? 22 MS. ZOLNER: Objection, 4 foundation.	2	approved guidance.	2	Q. Right.
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A. Okay.  Q. All right. If you could turn  back to the second page now. I just want to  look at some of these concepts, so the page  10 that somebody has the implication being that  11 ending in 3137.  12 The text says "leave the past  13 behind."  14 Do you see that?  15 A. Yes, sir.  16 Q. Do you understand what is meant  17 by "the past" in this sentence?  18 A. I can infer what it means.  19 Q. So the jail cell represented  10 opioid addiction in this drawing; is that  11 correct?  12 MS. ZOLNER: Objection.  13 BY MR. MELAMED:  14 Do you understand what the  15 De you understand what it starting  16 De you understand what it means.  17 De yet me restate that.  18 De yet me restate that.  19 De you understand what it starting  20 De you understand what the  21 people get off of drug dependence, it's starting  22 anew.  Q. Getting off the drug?  23 Getting off the drug?  24 The text says "leave the page  10 that somebody has the implication being that  24 A. Yes.  BY MS. ZOLNER: Objection,  Flow do you understand what the  page of the drug?  A. Yes.  BY MR. MELAMED:  How do you understand what the  page of the drug?  A. Yes.  BY MS. ZOLNER: Objection,  MS. ZOLNER: Objection,  foundation.	5		5	•
8 Q. All right. If you could turn 9 back to the second page now. I just want to 10 look at some of these concepts, so the page 11 that somebody has the implication being that 11 ending in 3137. 12 The text says "leave the past 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 19 Q. What is your inference? 19 Q. What is a drug to help 20 A. Since this is a drug to help 21 people get off of drug dependence, it's starting 22 anew. 23 Q. Getting off the drug? 24 d. Mm-hmm.  9 Q. And those bars have been bent so 10 that somebody has the implication being that 12 A. Yes. 13 behind." 14 somebody has escaped; is that right? 14 A. Yes. 15 Q. So the jail cell represented 16 opioid addiction in this drawing; is that 17 correct? 18 MS. ZOLNER: Objection form. 18 MS. MAHONEY: Objection. 18 BY MR. MELAMED: 19 Q. Let me restate that. 19 How do you understand what the 20 Jial cell represents in this drawing? 21 jail cell represents in this drawing? 22 MS. ZOLNER: Objection, 23 Q. Getting off the drug? 23 foundation.		· · · · · · · · · · · · · · · · · · ·		
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look at some of these concepts, so the page ending in 3137.  The text says "leave the past behind."  Do you see that?  A. Yes.  Do you understand what is meant by "the past" in this sentence?  A. I can infer what it means.  Q. What is your inference?  Q. What is a drug to help people get off of drug dependence, it's starting anew.  Q. Getting off the drug?  that somebody has the implication being that somebody has escaped; is that right?  A. Yes.  12 A. Yes.  13 Q. So the jail cell represented opioid addiction in this drawing; is that correct?  MS. ZOLNER: Objection form. MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. Let me restate that. How do you understand what the jail cell represents in this drawing?  MS. ZOLNER: Objection, foundation.				
11 ending in 3137.  12 The text says "leave the past 12 A. Yes. 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 19 Q. What is a drug to help 20 A. Since this is a drug dependence, it's starting 21 people get off of drug dependence, it's starting 22 anew. 23 Q. Getting off the drug?  11 somebody has escaped; is that right?  A. Yes.  12 A. Yes. 13 Q. So the jail cell represented 14 opioid addiction in this drawing; is that 15 correct? 16 MS. ZOLNER: Objection form. 17 MS. MAHONEY: Objection. 18 BY MR. MELAMED: 19 Q. Let me restate that. 19 How do you understand what the 20 jail cell represents in this drawing? 21 jail cell represents in this drawing? 22 MS. ZOLNER: Objection, 23 foundation.		ž • •		~
12 The text says "leave the past 13 behind." 14 Do you see that? 15 A. Yes, sir. 16 Q. Do you understand what is meant 17 by "the past" in this sentence? 18 A. I can infer what it means. 19 Q. What is your inference? 20 A. Since this is a drug to help 21 people get off of drug dependence, it's starting 22 anew. 23 Q. So the jail cell represented 24 opioid addiction in this drawing; is that 25 correct? 26 MS. ZOLNER: Objection form. 27 MS. MAHONEY: Objection. 28 BY MR. MELAMED: 29 Q. Let me restate that. 20 How do you understand what the 21 jail cell represents in this drawing? 22 MS. ZOLNER: Objection, 23 foundation.				
13				
Do you see that?  A. Yes, sir.  Q. Do you understand what is meant by "the past" in this sentence?  A. I can infer what it means.  Q. What is your inference?  A. Since this is a drug to help people get off of drug dependence, it's starting anew.  Q. Getting off the drug?  14 opioid addiction in this drawing; is that  15 correct?  MS. ZOLNER: Objection form.  MS. MAHONEY: Objection.  BY MR. MELAMED: Q. Let me restate that. How do you understand what the jail cell represents in this drawing?  MS. ZOLNER: Objection, foundation.				
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Q. Do you understand what is meant by "the past" in this sentence? 17 MS. MAHONEY: Objection.  A. I can infer what it means. 18 BY MR. MELAMED:  Q. What is your inference? 19 Q. Let me restate that.  A. Since this is a drug to help 20 How do you understand what the people get off of drug dependence, it's starting 21 jail cell represents in this drawing? 22 anew. 23 Q. Getting off the drug? 23 foundation.		•		_
by "the past" in this sentence?  17 MS. MAHONEY: Objection.  18 A. I can infer what it means.  19 Q. What is your inference?  19 Q. Let me restate that.  20 A. Since this is a drug to help  21 people get off of drug dependence, it's starting  22 anew.  23 Q. Getting off the drug?  24 MS. ZOLNER: Objection,  25 foundation.				
A. I can infer what it means.  Q. What is your inference?  A. Since this is a drug to help  people get off of drug dependence, it's starting  anew.  Q. Let me restate that.  How do you understand what the  jail cell represents in this drawing?  MS. ZOLNER: Objection,  foundation.		- · · · · · · · · · · · · · · · · · · ·		-
Q. What is your inference?  A. Since this is a drug to help  people get off of drug dependence, it's starting anew.  Q. Let me restate that.  How do you understand what the jail cell represents in this drawing?  MS. ZOLNER: Objection, foundation.		* *		Ţ.
A. Since this is a drug to help 20 How do you understand what the 21 people get off of drug dependence, it's starting 22 anew. 23 Q. Getting off the drug? 20 How do you understand what the 21 jail cell represents in this drawing? 22 MS. ZOLNER: Objection, 23 foundation.				
people get off of drug dependence, it's starting anew. 21 jail cell represents in this drawing? 22 anew. 22 MS. ZOLNER: Objection, 23 Q. Getting off the drug? 23 foundation.				
22 anew. 22 MS. ZOLNER: Objection, 23 Q. Getting off the drug? 23 foundation.				
Q. Getting off the drug? 23 foundation.				
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in the state of the proposing,	23	() Getting off the driig?	1 23	TOURGATION

	Page 161		Page 162
1	be interpreted that had way, but I did	1	A. Yes, sir.
2	not create the creative.	2	Q. Okay. And to what do you
3	BY MR. MELAMED:	3	understand the word independence to be referring
4	Q. I'm asking you for to be	4	to?
5	clear, and your answer was clear on this, I'm	5	MS. ZOLNER: Objection,
6	asking for your interpretation.	6	foundation.
7	So your interpretation is that	7	THE WITNESS: The word
8	this drawing, the drawing of the bars represents	8	independence or Independence day?
9	the addiction and that the fact that the bars	9	BY MR. MELAMED:
10	are broken and bent in the middle represents an	10	Q. The word independence.
11	escape from addiction?	11	A. As it relates to this ad?
12	MS. ZOLNER: Objection to form.	12	Q. Yes.
13	MS. MAHONEY: Objection, asked	13	MS. MAHONEY: Objection.
14	and answered, mischaracterizes the	14	BY MR. MELAMED:
15	testimony.	15	Q. Let me put that differently.
16	BY MR. MELAMED:	16	Independence from what?
17		17	MS. MAHONEY: Objection.
18		18	_
	not, please tell me.	19	THE WITNESS: Independence from
19	A. That would be my personal		habits that the user would have, in this
20	impression.	20	case possibly drug addiction.
21	Q. If you turn to the next page,	21	BY MR. MELAMED:
22	3138. It says "Independence day".	22	Q. This drug was approved for
23	Do you agree that that appears to	23	to as a treatment for opioid addiction,
24	be a firework?	24	correct?
	Page 163		Page 164
1	A. Yes.	1	You see the header says "A new
2	Q. So independence from opioid	2	start"?
3	addiction?	3	A. Yes.
4	A. Yes.	4	Q. Do you have any understanding of
5	MS. ZOLNER: Objection to form.	5	what is let me withdraw that.
6	MS. MAHONEY: Objection. You	6	Do you have an understanding of
7	really have to give us an opportunity to	7	what is meant by "A new start"?
8	object, please, David.	8	A. I believe in conjunction with the
9	THE WITNESS: Could you restate	9	imagery of a butterfly that it means a rebirth.
10	your question, please.	10	Q. And does it follow that that
11	BY MR. MELAMED:	11	rebirth is after leaving opioid addiction
12	Q. Sure. So your understanding is	12	behind?
13	that independence here meant independence from	13	MS. ZOLNER: Objection, form.
14	opioid addiction; is that correct?	14	MS. MAHONEY: Objection.
15	MS. ZOLNER: Objection,	15	THE WITNESS: It's possible,
16	foundation.	16	since that was the subject of this ad.
17	MS. MAHONEY: Objection.	17	BY MR. MELAMED:
	THE WITNESS: I'm assuming so.	18	Q. Is that your interpretation of
18			the drawing?
		1 19	incuraving:
19	BY MR. MELAMED:	19	<u> </u>
19 20	BY MR. MELAMED:  Q. Do you recall discussing any of	20	MS. MAHONEY: Objection.
19	BY MR. MELAMED:  Q. Do you recall discussing any of these ad concepts after they were sent to you?	20 21	MS. MAHONEY: Objection. THE WITNESS: My personal
19 20 21	BY MR. MELAMED:  Q. Do you recall discussing any of these ad concepts after they were sent to you?  A. No.	20 21 22	MS. MAHONEY: Objection. THE WITNESS: My personal interpretation.
19 20 21 22	BY MR. MELAMED:  Q. Do you recall discussing any of these ad concepts after they were sent to you?	20 21	MS. MAHONEY: Objection. THE WITNESS: My personal

	Page 165		Page 166
1	3140. And it says "Break the ties that bind."	1	based on the indication for the drug
2	And do you agree with me that	2	that's being proposed here.
3	that appears to be a drawing of a broken chain?	3	BY MR. MELAMED:
4	A. Yes, sir.	4	Q. So based on the indication of the
5	Q. Okay. What is your understanding	5	drug, combined with the drawing, your
6	of what "the ties that bind" refer to?	6	understanding is that the that chain
7	MS. MAHONEY: Objection.	7	represents opioid addiction?
8	THE WITNESS: My personal opinion	8	MS. ZOLNER: Objection.
9	in relationship to this topic is	9	BY MR. MELAMED:
10	breaking drug addiction.	10	Q. Is that accurate?
11	BY MR. MELAMED:	11	MS. ZOLNER: Objection, form.
12	Q. And because of this specific	12	MS. MAHONEY: Objection.
13	product we're talking about, would it be fair to	13	THE WITNESS: Yes, I believe so.
14	say that it was breaking opioid addiction?	14	BY MR. MELAMED:
15	MS. ZOLNER: Objection to form.	15	Q. And that the drug being
16	MS. MAHONEY: Objection.	16	advertised will help break that chain of
17	THE WITNESS: I believe so.	17	addiction?
18	BY MR. MELAMED:	18	MS. ZOLNER: Objection, form.
19	Q. And do you understand the	19	THE WITNESS: I believe that is
20	drawing, the chain in the drawing to represent	20	what the artist is proposing.
21	opioid addiction?	21	BY MR. MELAMED:
22	MS. ZOLNER: Objection to form.	22	Q. If you turn the page to the
23	THE WITNESS: I believe not based	23	drawing on 3141. This says "A bright new path."
24	on the drawing of the chain, I believe	24	And it appears to be either a
	Page 167		D 160
	rage 107		Page 168
1	sunrise or a sunset in front of a road and	1	a new direction in your life.
1 2		1 2	
	sunrise or a sunset in front of a road and		a new direction in your life.
2	sunrise or a sunset in front of a road and rolling hills.	2	a new direction in your life. BY MR. MELAMED:
2 3	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as	2	a new direction in your life. BY MR. MELAMED: Q. And you mean your
2 3 4	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as well?	2 3 4	a new direction in your life. BY MR. MELAMED: Q. And you mean your understanding that it means a new direction in
2 3 4 5	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as well?  MS. ZOLNER: Objection to form.	2 3 4 5	a new direction in your life. BY MR. MELAMED: Q. And you mean your understanding that it means a new direction in one's life, what is the do you have any
2 3 4 5 6	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as well?  MS. ZOLNER: Objection to form. MS. MAHONEY: Objection.	2 3 4 5 6	a new direction in your life.  BY MR. MELAMED:  Q. And you mean your understanding that it means a new direction in one's life, what is the do you have any understanding of the reason that a new direction
2 3 4 5 6 7	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as well?  MS. ZOLNER: Objection to form.  MS. MAHONEY: Objection.  THE WITNESS: Yes.	2 3 4 5 6 7	a new direction in your life.  BY MR. MELAMED:  Q. And you mean your understanding that it means a new direction in one's life, what is the do you have any understanding of the reason that a new direction was being promoted here?
2 3 4 5 6 7 8	sunrise or a sunset in front of a road and rolling hills.  Does that reflect what you see as well?  MS. ZOLNER: Objection to form.  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. How would you describe that drawing?	2 3 4 5 6 7 8	a new direction in your life.  BY MR. MELAMED: Q. And you mean your understanding that it means a new direction in one's life, what is the do you have any understanding of the reason that a new direction was being promoted here?  MS. MAHONEY: Objection. THE WITNESS: You can assume, based on that this is a proposed
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1	Page 169		Page 170
	the drawing on 3143. You see it says "Finding	1	MS. ZOLNER: Objection.
2	the way home"?	2	THE WITNESS: Potentially.
3	A. Yes.	3	BY MR. MELAMED:
4	Q. And how would you describe the	4	Q. And do you have any understanding
5	scene being depicted in that drawing?	5	of what the cage represents in this how would
6	A. It looks as	6	you interpret what the cage represents in this
7	MS. MAHONEY: Objection.	7	drawing?
8	THE WITNESS: It looks as if a	8	A. Well, that's my personal opinion.
9	bird has been released from a cage.	9	The cage in this might be the cage of addiction,
10	BY MR. MELAMED:	10	being trapped in addiction.
11	Q. And how would you interpret,	11	Q. Can you think of any other
12	given the indication of the drug being	12	interpretations, as you sit here?
13	advertised, how would you interpret the phrase	13	MS. MAHONEY: Objection.
14	"finding the way home"? What is meant by that?	14	MS. ZOLNER: Objection.
15	MS. ZOLNER: Objection, form.	15	THE WITNESS: Not necessarily.
16	THE WITNESS: Being set free from	16	BY MR. MELAMED:
17	possibly drug addiction, since this is a	17	Q. If you turn to the next page,
18	drug a drug that is indicated to help	18	ends 3144, it's the same drawing that we were
19	you with addiction.	19	just looking at, correct?
20	BY MR. MELAMED:	20	A. Yes.
21	Q. And in the drawing, is it your	21	Q. The only difference is the tag
22	understanding that the bird represents the	22	line at the top, correct?
23	person being set free from that addiction?	23	A. Yes.
24	MS. MAHONEY: Objection.	24	Q. And it says "Free at last."
	,		, ,
	Page 171		Page 172
1	A. Yes.	1	THE WITNESS: And the image.
2	Q. Do you have any understanding of	2	BY MR. MELAMED:
3	what was meant by "Free at last"?	3	Q. To just be clear, I know there
4	MS. ZOLNER: Objection.	4	were objections, I'm not trying to get over
5	MS. MAHONEY: Objection.	5	those.
6	THE WITNESS: Similar to the	6	The it was the I'll reask
7	other ads, I would think it would denote	7	my question and I'll state what I think your
8	a new beginning or a different path.	8	answer is, and then you guys can object, I'll
9	BY MR. MELAMED:	9	give you time.
10	Q. Do you understand let me	10	The question was you were
11	withdraw that.	11	developing that inference based on the
	Free from what?	12	indication of the drug being advertised, and
12		13	there were objections.
12 13	MS. ZOLNER: Objection.	1 13	there were objections.
	MS. ZOLNER: Objection. MS. MAHONEY: Objection.	14	And you said "and the image."
13	· ·		· ·
13 14	MS. MAHONEY: Objection.	14	And you said "and the image."
13 14 15	MS. MAHONEY: Objection. MS. ZOLNER: Foundation.	14 15	And you said "and the image." So your answer was you developed
13 14 15 16	MS. MAHONEY: Objection. MS. ZOLNER: Foundation. THE WITNESS: The inference might	14 15 16	And you said "and the image."  So your answer was you developed that inference based on the indication of the
13 14 15 16 17	MS. MAHONEY: Objection.  MS. ZOLNER: Foundation.  THE WITNESS: The inference might be free from drug addiction.	14 15 16 17	And you said "and the image." So your answer was you developed that inference based on the indication of the drug being advertised and the image being
13 14 15 16 17 18	MS. MAHONEY: Objection. MS. ZOLNER: Foundation. THE WITNESS: The inference might be free from drug addiction. BY MR. MELAMED:	14 15 16 17 18	And you said "and the image." So your answer was you developed that inference based on the indication of the drug being advertised and the image being represented on this page?
13 14 15 16 17 18 19	MS. MAHONEY: Objection.  MS. ZOLNER: Foundation.  THE WITNESS: The inference might be free from drug addiction.  BY MR. MELAMED:  Q. And you're developing that	14 15 16 17 18 19	And you said "and the image."  So your answer was you developed that inference based on the indication of the drug being advertised and the image being represented on this page?  A. Yes.
13 14 15 16 17 18 19	MS. MAHONEY: Objection.  MS. ZOLNER: Foundation.  THE WITNESS: The inference might be free from drug addiction.  BY MR. MELAMED:  Q. And you're developing that inference based on the indication of the drug	14 15 16 17 18 19 20	And you said "and the image." So your answer was you developed that inference based on the indication of the drug being advertised and the image being represented on this page?  A. Yes. MS. MAHONEY: Objection.
13 14 15 16 17 18 19 20 21	MS. MAHONEY: Objection. MS. ZOLNER: Foundation. THE WITNESS: The inference might be free from drug addiction. BY MR. MELAMED: Q. And you're developing that inference based on the indication of the drug being advertised?	14 15 16 17 18 19 20 21	And you said "and the image." So your answer was you developed that inference based on the indication of the drug being advertised and the image being represented on this page? A. Yes. MS. MAHONEY: Objection. MS. ZOLNER: Objection to form.
13 14 15 16 17 18 19 20 21 22	MS. MAHONEY: Objection.  MS. ZOLNER: Foundation.  THE WITNESS: The inference might be free from drug addiction.  BY MR. MELAMED:  Q. And you're developing that inference based on the indication of the drug being advertised?  A. And the image.	14 15 16 17 18 19 20 21 22	And you said "and the image." So your answer was you developed that inference based on the indication of the drug being advertised and the image being represented on this page?  A. Yes. MS. MAHONEY: Objection. MS. ZOLNER: Objection to form. THE WITNESS: Yes.

again, we've seen this drawing before, correct?  A. Yes.  Q. Okay. The difference is the tag line, which says "Toward a brighter tomorrow," correct?  A. Yes.  A. Yes.  Correct?  Correct Correct Correct?  Correct?  Correct?  Correct?  Correct?  Correct?  Correct.  Co		Page 173		Page 174
2 the indication of the drug being advertised and the drawing, do you understand a freedom' no mean freedom from opioid addiction?  5 correct?  6 A. Yes.  9 Given your understanding of the indication of which the drug being advertised. How do indication for which the drug being advertised. How do indication for which the drug being advertised. How do you interpret "Toward a brighter tomorrow"?  10 Given your understanding of the indication of the drug being advertised, how do you interpret "Toward a brighter tomorrow"?  11 MS. ZOLNER. Objection.  12 MS. ZOLNER. Objection.  13 MS. ZOLNER. Objection.  14 MS. MAHONEY: Objection.  15 THE WITNESS: A new path away from drug addiction.  16 Q. If you turn the page to 31-46.  19 Again, we see the same drawing, correct?  20 A. Yes.  21 Q. Okay. And this time it says "A 22 road to freedom."  22 a Too you see that?  23 Do you see that?  24 A. Yes.  25 Page 175  1 BY MR. MELAMED:  10 MS. MAHONEY: Objection.  11 THE WITNESS: A new path away from drug addiction.  12 MS. ZOLNER. Objection.  13 mecessarily see it that way.  14 mecessarily see it that way.  15 BY MR. MELAMED:  16 Q. So you don't agree with that one, in contrast to many of the others we've talked about?  17 minument of the other seew'the well about?  18 A. Yes.  19 MS. ZOLNER: Objection.  19 MS. AHONEY: Objection to form.  10 MS. MAHONEY: Objection.  11 THE WITNESS: I agree that a artwork is subject to the person who is looking at it —  11 Do you see that?  22 a advertisement—this potential advertisement?  23 MS. ZOLNER: Objection.  24 A. Yes.  25 Page 175  18 BY MR. MELAMED:  26 A. It looks as if someone has broken on the advertisement.  27 MS. ZOLNER: Objection.  28 MS. ZOLNER: Objection.  29 MS. ZOLNER: Objection.  20 MS. ALONEY: Objection.  21 A. It looks as if someone has broken on the carry of the drug brown has a looking at it —  29 MS. ZOLNER: Objection.  20 MS. ZOLNER: Objection.  21 A. It looks as if someone has broken on the carry of the drug brown has a looking at it —  20 MS. ZOLNER: Objection.  21 M	1	again, we've seen this drawing before, correct?	1	
the drawing, do you understand 1 road to freedom. To mean freedom from opioid addiction?  A, Yes.  Q. Given your understanding of the indication for which the drug being advertised - withdrawn.  Given your understanding of the indication of the drug being advertised, how do you interpret Toward a brighter tomorrow."  MS, ZOLNER: Objection.  THE WTINESS: That is my personal opinion.  BY MR. MELAMED:  MS, ZOLNER: Objection.  THE WTINESS: Idon't know that I necessarily see it that way.  BY MR. MELAMED:  MS, MAHONEY: Objection.  THE WTINESS: A new path away from drug addiction.  A Yes.  Page 175  BY MR. MELAMED:  A, Yes.  Page 176  A, It looks as if someone has broken on tof a jail and is heading towards a new horizon.  A, Call in that given the context of this advertisement, on you agree that the jail cell represents addiction.  MS, MAHONEY: Objection.  THE WTINESS: I believe they mean it to be to imply that the drug could help you do freedom from - from drug addiction promises the fall in the page of the drug could help you do freedom from - from drug addiction promises the fall in the page of the drug propersion addiction promises the fall in the page of the drug propersion addiction promises the fall in the page of the drug promises addiction.  BY MR. MELAMED:  A, Yes, Sir.  Page 176  BY MR. MELAMED:  A, Yes, Sir.  Page 177  A, It looks as if someone has broken on the fall in the page of the drug promises addiction.  BY MR. MELAMED:  A, Yes, Sir.  BY MR. MELAMED:  A, Wes detheas meant by the word of the others and the promises and the page of the drug promises and the page of the drug promises and the page of the drug p			2	-
Iline, which says "Toward a brighter tomorrow,"   6			3	
5 Correct? 6 A. Yes. 7 Q. Given your understanding of the aindication for which the drug being advertised — withdrawn. 9 advertised — withdrawn. 10 Given your understanding of the indication of the drug being advertised, how do you interpret "Toward a brighter tomorrow"? 11 indication of the drug being advertised, how do you interpret "Toward a brighter tomorrow"? 12 MS. ZOLNER: Objection. 13 MS. ZOLNER: Objection. 14 MS. MAHONEY: Objection. 15 THE WITNESS: A new path away from drug addiction. 16 From drug addiction. 17 BY MR. MELAMED: 18 Q. If you turn the page to 3146. 19 Again, we see the same drawing, correct? 20 A. Yes. 21 Q. Okay. And this time it says "A roud to freedom." 22 Too you see that? 23 Do you see that? 24 A. Yes. 25 Page 175 26 BY MR. MELAMED: 27 Page 175 28 What about in the ext? The text of which a position in the text? The text of which a divertisement — this potential advertisement? 28 MS. ZOLNER: Objection. 29 MS. ZOLNER: Objection. 20 MS. MAHONEY: Objection. 21 Do you understanding of what is meant by the word of advertisement — this potential advertisement? 22 MS. ZOLNER: Objection. 23 MS. ZOLNER: Objection. 24 A. Yes. 25 MS. MAHONEY: Objection. 26 MS. MAHONEY: Objection. 27 MS. ZOLNER: Objection. 28 MS. ZOLNER: Objection. 29 MS. ZOLNER: Objection. 20 MS. MAHONEY: Objection. 20 MS. MAHONEY: Objection. 21 MS. MAHONEY: Objection. 22 MS. ZOLNER: Objection. 23 MS. ZOLNER: Objection. 24 MS. ZOLNER: Objection. 25 MS. MAHONEY: Objection. 26 MS. MAHONEY: Objection. 27 MS. ZOLNER: Objection. 28 MS. MAHONEY: Objection. 29 MS. ZOLNER: Objection. 20 MS. MAHONEY: Objection. 20 MS. MAHONEY: Objection. 21 MS. ZOLNER: Objection. 22 MS. ZOLNER: Objection. 23 MS. ZOLNER: Objection. 24 MS. ZOLNER: Objection. 25 MS. MAHONEY: Objection. 26 MS. MAHONEY: Objection. 27 MS. ZOLNER: Objection. 28 MS. ZOLNER: Objection. 29 MS. ZOLNER: Objection. 20 MS. ZOLNER: Objection. 20 MS. ZOLNER: Objection. 21 MS. ZOLNER: Objection. 22 MS. ZOLNER: Objection. 23 MS. ZOLNER: Objection. 24 MS. ZOLNER: Objection. 25 MS. MAHONEY:		-	4	
6 THE WITNESS: That is my personal opinion. 7 Q. Given your understanding of the 8 indication for which the drug being advertised withdrawn. 8 Given your understanding of the 1 indication of the drug being advertised, how do 12 you interpret "Toward a brighter tomorrow"? 13 MS. ZOLNER: Objection. 14 MS. MAHONEY: Objection. 15 THE WITNESS: A new path away from drug addiction. 16 MS. MAHONEY: Objection. 17 BY MR. MELAMED: 18 Q. If you turn the page to 3146. 19 A. Yes. 20 A. Yes. 21 Q. Okay. And this time it says "A road to freedom." 22 MS. MAHONEY: Objection. 23 Do you see that? 24 A. Yes. 25 Page 175  BY MR. MELAMED: 1 THE WITNESS: I don't know that I necessarily see it that way. 26 MS. MAHONEY: Objection. 27 MS. ZOLNER: Objection. 28 MS. ZOLNER: Objection. 29 MS. MAHONEY: Objection. 20 MS. MAHONEY: Objection. 20 MS. MAHONEY: Objection. 21 Go. Okay. And this time it says "A road to freedom." 22 MS. MAHONEY: Objection. 23 Do you see that? 24 A. Yes. 24 Page 175  BY MR. MELAMED: 1 A. It looks as if someone has broken out of a jail and is heading towards a new horizon. 29 MS. ZOLNER: Objection. 20 MS. MAHONEY: Objection. 20 MS. MAHONEY: Objection. 21 A. It looks as if someone has broken out of a jail and is heading towards a new horizon. 24 Q. Given the centext of this advertisement, do you agree that the jail cell represents addiction? 29 MS. ZOLNER: Objection. 20 MS. MAHONEY: Objection. 21 THE WITNESS: I believe they mean it to be to imply that the drug could help you do freedom from from drug addiction. 25 MS. MAHONEY: Objection. 26 MS. MAHONEY: Objection. 27 MS. MAHONEY: Objection. 28 MS. MAHONEY: Objection. 29 MS. MAHONEY: Objection. 30 MS. MAHONEY: Objection. 31 MS. ZOLNER: Objection. 32 MS. MAHONEY: Objection. 33 MS. MAHONEY: Objection. 34 Q. And concerning the tag line. 35 MS. MAHONEY: Objection. 36 MS. MAHONEY: Objection. 37 MS. MAHONEY: Objection. 38 MS. MAHONEY: Objection. 39 MS. MAHONEY: Objection. 30 MS. MAHONEY: Objection. 31 MS. MAHONEY: Objection. 31 MS. MAHONEY: Objection. 31 MS. MAHONEY:			5	_
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Page 175  Page 176  BY MR. MELAMED: Q. What about in the	22	road to freedom."	22	artwork is subject to the person who is
Page 175  BY MR. MELAMED:  Q. What about in the  3 A and interpreting it.  Q. What about in the text? The text  4 Q. Given the context of this  5 says "A road to freedom." Do you have any  understanding of what is meant by the word  7 "road" in that given the context of  8 advertisement this potential advertisement?  9 MS. ZOLNER: Objection.  10 MS. MAHONEY: Objection.  11 THE WITNESS: I believe they mean  12 it to be to imply that the drug could  13 help you do freedom from from drug  14 addiction.  15 BY MR. MELAMED:  16 Q. And then there's I believe one  17 more drawing on 3147. And you see the tag line  18 says "Breaking free"?  19 A. Yes, sir.  Q. And then you see that it's  accompanied by a drawing, correct?  20 Q. What do you understand that  11 BY MR. MELAMED:  12 Do you understand the tag line  13 BY MR. MELAMED:  14 DR. MELAMED:  15 DR. M. MELAMED:  16 DR. M.	23	Do you see that?	23	looking at it
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help you do freedom from from drug addiction.  BY MR. MELAMED:  Q. And then there's I believe one more drawing on 3147. And you see the tag line says "Breaking free"?  A. Yes, sir.  Q. And then you understand that to imply that this buprenorphine would help an opioid addicted person break free from their addiction?  MS. MAHONEY: Objection.  THE WITNESS: Could you please repeat that again.  Paragraphy of the tag line,  "Breaking free," do you understand that to imply that this buprenorphine would help an opioid addicted person break free from their addiction?  MS. MAHONEY: Objection.  THE WITNESS: Could you please Paragraphy of the tag line,  "Breaking free," do you understand that to imply that this buprenorphine would help an opioid addicted person break free from their addiction?  MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. Sure.  Q. Sure.  Do you understand the tag line  "Breaking free" to imply that buprenorphine	11	THE WITNESS: I believe they mean	11	way, yes.
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21 accompanied by a drawing, correct? 22 A. Yes. 23 Q. What do you understand that 24 Q. Sure. 25 Do you understand the tag line 26 "Breaking free" to imply that buprenorphine	19	A. Yes, sir.	19	repeat that again.
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Q. What do you understand that 23 "Breaking free" to imply that buprenorphine	21	accompanied by a drawing, correct?	21	Q. Sure.
				•
24 drawing to be depicting? 24 would help an opioid addicted person break free	23		1	
ı i				

	Page 177		Page 178
			rage 170
1	from their addiction?	1	
2	MS. ZOLNER: Objection to form.	2	Q. So something like
3	MS. MAHONEY: Objection.	3	A being developed.
4	THE WITNESS: I believe that is	4	Q the horizon on 3145?
5	what the artist creative person was	5	A. Yes.
6	trying to make that association.	6	Q. Do you recall whether the tag
7	BY MR. MELAMED:	7	lines were similar to any of the tag lines we
8	Q. And I asked this before, I don't	8	just reviewed?
9	recall your answer, so I apologize for asking	9	MS. MAHONEY: Objection.
10	again, do you know if any if any of these	10	MS. ZOLNER: Objection, form.
11	ads let me withdraw that.	11	THE WITNESS: I don't recall what
12	Do you know in any ads based on	12	the tag line was.
13	the concepts reflected in this exhibit, Exhibit	13	BY MR. MELAMED:
14	12, were ever used in any advertisements put out	14	Q. Do you recall where
15	by Actavis?	15	advertisements that used the picture of the sun,
16	MS. ZOLNER: Objection, form.	16	horizon were placed?
17	THE WITNESS: I believe I	17	MS. ZOLNER: Objection, form.
18	believe that one of the concepts was	18	THE WITNESS: I don't remember a
19	used, probably not as is.	19	full, comprehensive list.
20	BY MR. MELAMED:	20	BY MR. MELAMED:
21	Q. Do you recall which concept was	21	Q. Do you recall whether they were
22	used?	22	targeted towards pharmacies?
23	A. I don't remember the tag line or	23	MS. MAHONEY: Objection.
24	the headline. I remember the sun, the horizon	24	THE WITNESS: Possibly, but I
	the neutrino. Tremember the sun, the normal		THE WITHESS. Tossiery, out I
	Page 179		Page 180
1		1	
1 2	don't recall.	1 2	MR. MELAMED: Let's go off the
2	don't recall. BY MR. MELAMED:	2	MR. MELAMED: Let's go off the record.
2 3	don't recall. BY MR. MELAMED: Q. Do you recall whether they were	2 3	MR. MELAMED: Let's go off the record.  THE VIDEOGRAPHER: The time is
2 3 4	don't recall.  BY MR. MELAMED:  Q. Do you recall whether they were targeted towards distributors?	2 3 4	MR. MELAMED: Let's go off the record.  THE VIDEOGRAPHER: The time is 12:19 p.m. We're going off the record.
2 3 4 5	don't recall.  BY MR. MELAMED: Q. Do you recall whether they were targeted towards distributors?  MS. MAHONEY: Objection.	2 3 4 5	MR. MELAMED: Let's go off the record.  THE VIDEOGRAPHER: The time is 12:19 p.m. We're going off the record.  (Luncheon recess.)
2 3 4 5 6	don't recall.  BY MR. MELAMED: Q. Do you recall whether they were targeted towards distributors?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection.	2 3 4 5 6	MR. MELAMED: Let's go off the record.  THE VIDEOGRAPHER: The time is 12:19 p.m. We're going off the record.  (Luncheon recess.)  THE VIDEOGRAPHER: The time is
2 3 4 5 6 7	don't recall.  BY MR. MELAMED: Q. Do you recall whether they were targeted towards distributors?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection.  THE WITNESS: Possibly.	2 3 4 5 6 7	MR. MELAMED: Let's go off the record.  THE VIDEOGRAPHER: The time is 12:19 p.m. We're going off the record.  (Luncheon recess.)  THE VIDEOGRAPHER: The time is 1:07 p.m., and we're back on the record.
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	Page 181		Page 182
1	that.	1	About how frequently were
2	Was the sell more at higher	2	individuals acknowledged
3	prices faster award given other than the	3	MS. ZOLNER: Objection.
4	instance noted in Exhibit 9, to your knowledge?	4	BY MR. MELAMED:
5	MS. MAHONEY: Objection.	5	Q under the course the
6	THE WITNESS: The sell more at	6	moniker sell more at higher prices faster?
7	higher prices faster moniker could apply	7	MS. ZOLNER: Objection.
8	to anything, anybody that management	8	BY MR. MELAMED:
9	wanted to acknowledge publicly for	9	Q. To your recollection?
10	completing a project successfully or,	10	MS. ZOLNER: Objection,
11	you know, going an extra mile.	11	foundation, and I apologize, I kept
12	BY MR. MELAMED:	12	thinking the time was right.
13	Q. And so they did management	13	THE WITNESS: So the question was
14	withdraw that.	14	how often were people recognized under
15	Is it true that management did	15	this? I don't recall the frequency.
16	recognize other individuals, aside from	16	BY MR. MELAMED:
17	Ms. Pehlke and yourself at other times for their	17	Q. Do you recall whether it was
18	work under the moniker sell more at higher	18	approximately monthly?
19	prices faster?	19	A. It could be, yes.
20	MS. MAHONEY: Objection.	20	Q. Did you ever do you recall
21	THE WITNESS: Yes.	21	ever being acknowledged under the sell more at
22	BY MR. MELAMED:	22	higher prices faster moniker at any other time
23	Q. About how frequently did they	23	during your employment at Actavis?
24	acknowledge individuals withdraw it.	24	MS. MAHONEY: Objection.
	-		•
	Page 183		D 104
	1490 103		Page 184
1	THE WITNESS: Yes.	1	the similar program or the same program.
1 2		1 2	
	THE WITNESS: Yes.		the similar program or the same program.
2	THE WITNESS: Yes. BY MR. MELAMED:	2	the similar program or the same program.  Q. Okay. Any others?
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2 3 4 5 6 7	THE WITNESS: Yes.  BY MR. MELAMED: Q. Do you recall whether how many other times in your if you can remember? A. I don't remember specifically. Q. Approximately how many times? A. Four or five times over the	2 3 4 5 6 7	the similar program or the same program.  Q. Okay. Any others?  MS. MAHONEY: Objection.  THE WITNESS: I don't recall specifically.  BY MR. MELAMED:  Q. All right. Did your compensation
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	Page 185		Page 186
1	MS. ZOLNER: Objection, form.	1	compensation having to do with sales, correct?
2	MS. MAHONEY: Objection.	2	MS. MAHONEY: Objection.
3	THE WITNESS: It incentivized me	3	THE WITNESS: Yes, I believe
4	to meet the goals within my annual	4	that's what I said.
5	performance review.	5	BY MR. MELAMED:
6	BY MR. MELAMED:	6	Q. Do you recall any having to do
7	Q. Did any of your goals have to do	7	with revenues generated by the company or any
8	with product sales?	8	subset of the company?
9	A. I don't	9	MS. ZOLNER: Objection, form.
10	MS. MAHONEY: Objection.	10	THE WITNESS: Not directly to me.
11	THE WITNESS: I don't recall any	11	BY MR. MELAMED:
12	specific links to sales.	12	Q. Was your incentive compensation
13	BY MR. MELAMED:	13	indirectly affected by the company's revenues?
14		14	A. Yes.
	Q. Do you recall specific links to any metric?	15	
15	•	16	
16			A. In order for the company to pay a
17	Q. What metrices?	17	bonus, the company had to meet a certain threshold of its annual sales and other metrics
18	A. One metric is for forecasting	18 19	
19	accuracy. I believe another was for preparing	20	that they could imply, such as cash flow.
20	advertising as required, and there could be many		Q. And if I recall correctly, you
21	other subcategories that all make up part of my	21	testified earlier that there were other
22	entire performance that's reviewed annually.	22	employees at Actavis who were incentivized based
23	Q. You said you don't recall any of	23	on product sales; is that correct?
24	it having to do any of your incentive	24	MS. ZOLNER: Objection to form.
	Do co. 107		
	Page 187		Page 188
1		1	Page 188  THE WITNESS: This is a
1 2	MS. MAHONEY: Objection. THE WITNESS: I'm not	1 2	THE WITNESS: This is a
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2 3 4	MS. MAHONEY: Objection. THE WITNESS: I'm not specifically aware of other people's compensation. I'm aware that the bonus program is in place for most employees	2 3 4	THE WITNESS: This is a spreadsheet for products that we've anticipated to launch in the year of 2011, potential launches.  BY MR. MELAMED:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MS. MAHONEY: Objection. THE WITNESS: I'm not specifically aware of other people's compensation. I'm aware that the bonus program is in place for most employees of the company. (Document marked for identification as Myers Deposition Exhibit No. 13.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 13. Exhibit 13 is a spreadsheet, it's all at one Bates number, the printout is two pages. The Bates number is Allergan_MDL_01211800. And the title of the spreadsheet is "2011 Budget Launches." Do you see that? A. Yes. Q. Do you recognize this document?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: This is a spreadsheet for products that we've anticipated to launch in the year of 2011, potential launches.  BY MR. MELAMED:  Q. And I just want to go through a couple of these to make sure I understand what the what each column stands for, okay?  A. Okay.  Q. So if you could look, do you see under the "Product" about or not about, exactly five rows down it says "Oxymorphone."  Do you see that?  A. Yes.  Q. So using that as an example, the label states Actavis under the column titled "Label" it states "Actavis Elizabeth," correct?  A. Yes.  Q. What does "label" mean in this context?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. MAHONEY: Objection. THE WITNESS: I'm not specifically aware of other people's compensation. I'm aware that the bonus program is in place for most employees of the company. (Document marked for identification as Myers Deposition Exhibit No. 13.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 13. Exhibit 13 is a spreadsheet, it's all at one Bates number, the printout is two pages. The Bates number is Allergan_MDL_01211800. And the title of the spreadsheet is "2011 Budget Launches." Do you see that? A. Yes. Q. Do you recognize this document? A. Yes. Q. What is this document? What is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: This is a spreadsheet for products that we've anticipated to launch in the year of 2011, potential launches.  BY MR. MELAMED:  Q. And I just want to go through a couple of these to make sure I understand what the what each column stands for, okay?  A. Okay.  Q. So if you could look, do you see under the "Product" about or not about, exactly five rows down it says "Oxymorphone."  Do you see that?  A. Yes.  Q. So using that as an example, the label states Actavis under the column titled "Label" it states "Actavis Elizabeth," correct?  A. Yes.  Q. What does "label" mean in this context?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. MAHONEY: Objection. THE WITNESS: I'm not specifically aware of other people's compensation. I'm aware that the bonus program is in place for most employees of the company. (Document marked for identification as Myers Deposition Exhibit No. 13.) BY MR. MELAMED: Q. I'm handing you what's been marked as Exhibit 13. Exhibit 13 is a spreadsheet, it's all at one Bates number, the printout is two pages. The Bates number is Allergan_MDL_01211800. And the title of the spreadsheet is "2011 Budget Launches." Do you see that? A. Yes. Q. Do you recognize this document? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: This is a spreadsheet for products that we've anticipated to launch in the year of 2011, potential launches.  BY MR. MELAMED:  Q. And I just want to go through a couple of these to make sure I understand what the what each column stands for, okay?  A. Okay.  Q. So if you could look, do you see under the "Product" about or not about, exactly five rows down it says "Oxymorphone."  Do you see that?  A. Yes.  Q. So using that as an example, the label states Actavis under the column titled "Label" it states "Actavis Elizabeth," correct?  A. Yes.  Q. What does "label" mean in this context?  A. I believe Actavis was a conglomeration of many different LLCs, and I

1	Page 189		Page 190
		1	(Company)" here for oxymorphone states "Opana ER
2	maybe the division that filed the ANDA.  Q. Okay. And then the next column	2	(Endo)," correct?
3	Q. Okay. And then the next column is labeled "Product," and for this same row	3	A. Yes.
4	we're talking about, it says "Oxymorphone,"	4	Q. So Opana ER is the name of the
5	correct?	5	brand opioid I'm sorry the brand
6	A. Yes, sir.	6	oxymorphone on the market, correct?
7	Q. And that's the name of the	7	A. Yes.
8	molecule?	8	Q. And Endo is the company that
9	A. Yes, the molecule.	9	sells Opana ER at this point in time, correct?
10	Q. The "Dosage" column here says "ER	10	A. I believe so, yes.
11	tabs."	11	Q. And, in general, that applies to
12	Do you see that?	12	each of these each of the branded companies
13	A. Yes.	13	listed in this column. The idea is that it
14	O. Is that does that stand for	14	identifies the company and the brand name of the
15	extended-relief tablets?	15	molecule that Actavis anticipates launching in
16	A. Extended-release tablets, yes.	16	2011; is that correct?
17	Q. Extended-release tablets. Thank	17	A. Yes.
18	you for correcting me.	18	Q. The "Strengths" for the
19	And so dosage refers to the	19	oxymorphone row indicate 7.5 milligrams and
20	manner by which the molecule is ingested?	20	15 milligrams, correct?
21	MS. MAHONEY: Objection.	21	A. Yes.
22	THE WITNESS: Yes.	22	
23	BY MR. MELAMED:	23	٠
24	Q. Brand the column "Brand	24	Actavis anticipates introducing the molecule in
	Q. Brand the column Brand	24	2011; is that right?
	Page 191		Page 192
1	A. Yes.	1	we're discussing, "MAT June 2010 IMS Sales US"
2	Q. The next column is titled "MAT	2	comes from IMS; is that right?
3	June 2010 IMS sales US (\$MM)."	3	A. Yes.
4	Can you tell me what MAT stands	4	Q. The next column is "2011 Budget
5	for?		
		1 5	Approval."
6	A. Moving annual total.	5 6	Approval."  Do you see that?
	<ul><li>A. Moving annual total.</li><li>O. So moving annual total as of</li></ul>		Do you see that?
6	Q. So moving annual total as of	6	Do you see that? A. Yes.
6 7	_	6 7	Do you see that?  A. Yes.  Q. And then for oxymorphone it says
6 7 8	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer	6 7 8	Do you see that? A. Yes.
6 7 8 9	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated	6 7 8 9	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.
6 7 8 9 10	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.	6 7 8 9 10	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."
6 7 8 9 10 11	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the	6 7 8 9 10 11	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11."  A. Mm-hmm. Q. Can you explain what that means,
6 7 8 9 10 11	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.	6 7 8 9 10 11 12	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11." A. Mm-hmm. Q. Can you explain what that means, please? A. I believe it means that's when
6 7 8 9 10 11 12 13	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total	6 7 8 9 10 11 12 13	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11." A. Mm-hmm. Q. Can you explain what that means, please?
6 7 8 9 10 11 12 13	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total A. Yes. Q refers to here?	6 7 8 9 10 11 12 13 14	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11."  A. Mm-hmm. Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our
6 7 8 9 10 11 12 13 14	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total A. Yes. Q refers to here?	6 7 8 9 10 11 12 13 14	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11."  A. Mm-hmm. Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.
6 7 8 9 10 11 12 13 14 15	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total A. Yes. Q refers to here? A. Yes. So moving annual total in	6 7 8 9 10 11 12 13 14 15	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.  Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.  Q. Okay. So in the 2011 budget it
6 7 8 9 10 11 12 13 14 15 16	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total  A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010.	6 7 8 9 10 11 12 13 14 15 16	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.  Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.  Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic oxymorphone pursuant to the other specifics in
6 7 8 9 10 11 12 13 14 15 16 17	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total  A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010. Q. Okay. And so here for the	6 7 8 9 10 11 12 13 14 15 16 17	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.  Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.  Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic
6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total  A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010.	6 7 8 9 10 11 12 13 14 15 16 17 18	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11." A. Mm-hmm. Q. Can you explain what that means, please? A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget. Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic oxymorphone pursuant to the other specifics in this row in July; is that right?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010.  Q. Okay. And so here for the oxymorphone molecule it's listed as "\$15," and	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.  Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.  Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic oxymorphone pursuant to the other specifics in this row in July; is that right?  A. Yes.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total  A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010.  Q. Okay. And so here for the oxymorphone molecule it's listed as "\$15," and that means \$15 million, correct?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Do you see that?  A. Yes. Q. And then for oxymorphone it says "July-11."  A. Mm-hmm. Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget. Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic oxymorphone pursuant to the other specifics in this row in July; is that right?  A. Yes. Q. "Target Approval (Best Case),"
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So moving annual total as of June 2010, and what does "IMS sales US" refer to?  A. That means sales estimated sales in the United States based on IMS data.  Q. And can you explain what the moving annual total  A. Yes. Q refers to here? A. Yes. So moving annual total in this regard being June 2010 would mean the sales figures from July 2019 through June 2010.  Q. Okay. And so here for the oxymorphone molecule it's listed as "\$15," and that means \$15 million, correct?  A. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Do you see that?  A. Yes.  Q. And then for oxymorphone it says "July-11."  A. Mm-hmm.  Q. Can you explain what that means, please?  A. I believe it means that's when we're expected to launch or that's where our expected launch is in the 2011 budget.  Q. Okay. So in the 2011 budget it reflects an anticipated launch of the generic oxymorphone pursuant to the other specifics in this row in July; is that right?  A. Yes.  Q. "Target Approval (Best Case)," can you tell me what target approval means?

	Page 193		Page 194
1	standpoint and approval standpoint in the best	1	rights, there could be a number of
2	case of that scenario, the earliest it would	2	things involved.
3	launch.	3	BY MR. MELAMED:
4	Q. And from whom is the approval	4	Q. The next column is MFG Country
5	being targeted for that date?	5	and Site.
6	MS. MAHONEY: Objection.	6	Does MFG stand for manufacturing?
7	THE WITNESS: Can you explain	7	THE WITNESS: Yes.
8	that a little bit further.	8	MS. MAHONEY: Objection.
9	BY MR. MELAMED:	9	BY MR. MELAMED:
10	Q. Sure. Target approval by who?	10	Q. And so here in oxymorphone the
11	Who is the approving entity referenced in this	11	manufacturing country is United States, correct?
12	column, if you know?	12	A. Yes.
13	MS. MAHONEY: Objection.	13	Q. And "ELZ" is listed as the site
14	MS. ZOLNER: Objection.	14	for oxymorphone, correct?
15	THE WITNESS: It could be a	15	A. Yes.
16	number of different factors. It could	16	Q. And that stands for Elizabeth?
17	be based on anticipated FDA approval or	17	A. Yes.
18	other legal hurdles that need to be	18	Q. "Competitors" in the oxymorphone
19	cleared.	19	row states "approval received on 7.5 mg and
20	BY MR. MELAMED:	20	15 mg. TA on other strengths. Brand is," and
21	Q. What other kinds of legal hurdles	21	then appears to be fragment.
22	are you aware of?	22	Can you describe do you
23	MS. MAHONEY: Objection.	23	understand who received approval on 7.5 and
24	THE WITNESS: Exclusivity, patent	24	15-milligram strengths?
	_ 105		
	Page 195		Page 196
1	A. From the way it's written, I	1	Page 196 A. Yes.
1 2	A. From the way it's written, I believe that the company, Actavis, received	1 2	A. Yes.     Q. Can you explain what that column
	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.		A. Yes.     Q. Can you explain what that column is referencing, market what is the market?
2	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in	2	<ul><li>A. Yes.</li><li>Q. Can you explain what that column is referencing, market what is the market?</li><li>A. The market is all of the units</li></ul>
2	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.	2	<ul> <li>A. Yes.</li> <li>Q. Can you explain what that column is referencing, market what is the market?</li> <li>A. The market is all of the units that are currently being sold by the brand</li> </ul>
2 3 4 5 6	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes.	2 3 4 5 6	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at
2 3 4 5 6 7	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths. Q. Do you know what TA stands for in the next clause? A. Yes. Q. What is TA?	2 3 4 5 6 7	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict
2 3 4 5 6	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths. Q. Do you know what TA stands for in the next clause? A. Yes. Q. What is TA? A. Tentative approval.	2 3 4 5 6 7 8	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors
2 3 4 5 6 7 8	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths. Q. Do you know what TA stands for in the next clause? A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a	2 3 4 5 6 7 8 9	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that.
2 3 4 5 6 7 8 9	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV,	2 3 4 5 6 7 8 9	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to
2 3 4 5 6 7 8 9 10	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes.  Q. What is TA?  A. Tentative approval.  Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."	2 3 4 5 6 7 8 9 10	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States?
2 3 4 5 6 7 8 9 10 11	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance.
2 3 4 5 6 7 8 9 10 11 12 13	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes.  Q. What is TA?  A. Tentative approval.  Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target
2 3 4 5 6 7 8 9 10 11 12 13 14	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so. Q. What is that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target market share for the 7.5 and 15-milligram
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so. Q. What is that? A. Paragraph IV.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target market share for the 7.5 and 15-milligram generic oxymorphone is 60% of the US market for
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so. Q. What is that? A. Paragraph IV. Q. And what does paragraph IV refer to, if you know?  A. I believe it is a type of filing with the FDA. I'm not entirely sure exactly all of the things that go into it. Q. And then there is a "Market Share	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target market share for the 7.5 and 15-milligram generic oxymorphone is 60% of the US market for those strengths of that molecule, correct? A. Yes. Q. Thank you. Turn to the second page, couple more details I wanted to ask you about. You see the row where the product
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so. Q. What is that? A. Paragraph IV. Q. And what does paragraph IV refer to, if you know?  A. I believe it is a type of filing with the FDA. I'm not entirely sure exactly all of the things that go into it. Q. And then there is a "Market Share Target (2011 budget)" column.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target market share for the 7.5 and 15-milligram generic oxymorphone is 60% of the US market for those strengths of that molecule, correct? A. Yes. Q. Thank you. Turn to the second page, couple more details I wanted to ask you about. You see the row where the product listed is buprenorphine?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. From the way it's written, I believe that the company, Actavis, received approval on those two strengths.  Q. Do you know what TA stands for in the next clause?  A. Yes. Q. What is TA? A. Tentative approval. Q. Okay. And then there's a "Comments" column. In oxymorphone it says "PIV, filed June-07, May-08."  Do you know what PIV stands for in that row?  A. I believe so. Q. What is that? A. Paragraph IV. Q. And what does paragraph IV refer to, if you know?  A. I believe it is a type of filing with the FDA. I'm not entirely sure exactly all of the things that go into it. Q. And then there is a "Market Share	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Can you explain what that column is referencing, market what is the market? A. The market is all of the units that are currently being sold by the brand and/or any generics on the market for that at that time and what share of business we predict we can get, based on the number of competitors and things like that. Q. Now, is that market limited to the United States? A. Yes, in this instance. Q. Excuse me. Thank you. And so for oxymorphone the target market share for the 7.5 and 15-milligram generic oxymorphone is 60% of the US market for those strengths of that molecule, correct? A. Yes. Q. Thank you. Turn to the second page, couple more details I wanted to ask you about. You see the row where the product

	Page 197		Page 198
1	Q. I realize I forgot to ask you	1	to December calendar year?
2	about one of the columns on the prior page. I'm	2	A. It's based on our fiscal year,
3	going to ask you about it in context of	3	which I believe at that time was January through
4	buprenorphine.	4	December.
5	A. Okay.	5	O. And in the "Comments" for
6	Q. There's a "2011 Budget Sales" and	6	buprenorphine, it says the first comment is
7	then "(\$000)."	7	"filed September of 2008."
8	Do you see that column?	8	Do you see that?
9	A. Yes.	9	A. Yes.
10	Q. And for buprenorphine it is	10	Q. Do you understand what was filed
11	the number written in the cell is \$6,879,	11	in September of 2008?
12	correct?	12	A. I would infer that to mean when
13	A. Yes.	13	we filed our ANDA for approval with the FDA.
14	Q. That reflects, first of all, the	14	Q. And then the next comment is
15	number because of the \$000 indicates that that	15	"Awaiting RiskMap/REMS approval."
16	number reflects \$6,879,000, correct?	16	Do you see that?
17	A. Yes.	17	A. Yes.
18	Q. Okay. What does that number	18	Q. Do you understand what is
19	refer to? It says "2011 Budget Sales."	19	referred to by "RiskMap/REMS"?
20	What does 2011 budget sales mean?	20	A. Essentially, yes.
21	A. I believe that means that is the	21	Q. What is that or those first of
22	number we predicted we would sell in that	22	all, is it one thing or two things?
23	calendar year.	23	A. I'm not sure.
24	Q. And is that that is a January	24	Q. Okay. Can you describe to me
	ę. 1210 is utat utat is utatian.		Q. Olady. Can you account to me
	Page 199		Page 200
1	what you understand that reference to mean?	1	molecule Morphine ER.
1 2	what you understand that reference to mean?  A. My understanding is specific	1 2	molecule Morphine ER.  Do you see that?
	A. My understanding is specific		
2	A. My understanding is specific drugs have a REMS program associated with them.	2	Do you see that? A. I do.
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2 3 4	A. My understanding is specific drugs have a REMS program associated with them.  A REMS program is I don't remember the exact initials, it has something to do with risk	2 3 4	Do you see that? A. I do. Q. And that was a generic of the
2 3 4 5	A. My understanding is specific drugs have a REMS program associated with them. A REMS program is I don't remember the exact	2 3 4 5	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold,
2 3 4 5 6	A. My understanding is specific drugs have a REMS program associated with them. A REMS program is I don't remember the exact initials, it has something to do with risk mitigation strategies.	2 3 4 5 6	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold, correct?  A. Yes.
2 3 4 5 6 7	A. My understanding is specific drugs have a REMS program associated with them.  A REMS program is I don't remember the exact initials, it has something to do with risk mitigation strategies.  Oftentimes it's educating doctors on how this product is used. It could include	2 3 4 5 6 7	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold, correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. My understanding is specific drugs have a REMS program associated with them. A REMS program is I don't remember the exact initials, it has something to do with risk mitigation strategies.  Oftentimes it's educating doctors on how this product is used. It could include them to take special courses. It could include them to sign up for awareness of the product. It's a safety measure an extra safety measure that's added to the approval of the drug. Participation is not optional. It is mandated.  Q. And do you know from whom Actavis was awaiting approval for its RiskMap/REMS on buprenorphine?  A. I'm not exactly sure of who the approving body is. I'm sure it has something to do with the FDA or in conjunction with the FDA.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold, correct? A. Yes. Q. Under "Target Approval" it states "ready." Do you see that? A. Yes. Q. Does that mean that the generic was already approved for sale and distribution by the FDA? A. Not necessarily. Q. What do you understand it to mean? A. I understand this to mean that we owned the ANDA for Kadian; therefore, we do not need a special approval for generic. Q. In the "Comments" field, under
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. My understanding is specific drugs have a REMS program associated with them. A REMS program is I don't remember the exact initials, it has something to do with risk mitigation strategies.  Oftentimes it's educating doctors on how this product is used. It could include them to take special courses. It could include them to sign up for awareness of the product. It's a safety measure an extra safety measure that's added to the approval of the drug. Participation is not optional. It is mandated.  Q. And do you know from whom Actavis was awaiting approval for its RiskMap/REMS on buprenorphine?  A. I'm not exactly sure of who the approving body is. I'm sure it has something to do with the FDA or in conjunction with the FDA.  Q. So your understanding is it's being subject to approval by an external body	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold, correct? A. Yes. Q. Under "Target Approval" it states "ready." Do you see that? A. Yes. Q. Does that mean that the generic was already approved for sale and distribution by the FDA? A. Not necessarily. Q. What do you understand it to mean? A. I understand this to mean that we owned the ANDA for Kadian; therefore, we do not need a special approval for generic. Q. In the "Comments" field, under the in the row affiliated with Morphine ER,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. My understanding is specific drugs have a REMS program associated with them. A REMS program is I don't remember the exact initials, it has something to do with risk mitigation strategies.  Oftentimes it's educating doctors on how this product is used. It could include them to take special courses. It could include them to sign up for awareness of the product. It's a safety measure an extra safety measure that's added to the approval of the drug. Participation is not optional. It is mandated.  Q. And do you know from whom Actavis was awaiting approval for its RiskMap/REMS on buprenorphine?  A. I'm not exactly sure of who the approving body is. I'm sure it has something to do with the FDA or in conjunction with the FDA.  Q. So your understanding is it's being subject to approval by an external body from Actavis?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Do you see that?  A. I do. Q. And that was a generic of the brand name Kadian that Actavis also sold, correct? A. Yes. Q. Under "Target Approval" it states "ready." Do you see that? A. Yes. Q. Does that mean that the generic was already approved for sale and distribution by the FDA? A. Not necessarily. Q. What do you understand it to mean? A. I understand this to mean that we owned the ANDA for Kadian; therefore, we do not need a special approval for generic. Q. In the "Comments" field, under

	Page 201		Page 202
1	A. Yes.	1	understanding why it was not launching
2	Q. What do you understand that to	2	5 milligrams/325 milligrams?
3	mean?	3	MS. MAHONEY: Objection.
4	MS. MAHONEY: Objection.	4	THE WITNESS: No.
5	THE WITNESS: I believe that	5	BY MR. MELAMED:
6	product had been produced in a generic	6	Q. Do you understand what is meant
7	label and was ready at our warehouse	7	by the next clause, which says not getting
8	partner at that time was UPS. They were	8	approval on 7.5/500 and 10/625 mg per FDA?
9	managing our logistics.	9	A. I understand what it means by
10	BY MR. MELAMED:	10	that reading. I don't understand the background
11	Q. If you look at the oxycodone APAP	11	on why it was not approved.
12	row, do you see that?	12	Q. What does 7.5/500 mean to you?
13	A. Yes.	13	A. The strength of the product in
14	Q. And that was the generic version	14	both molecules.
15	of Percocet, correct?	15	Q. So 7.5 milligrams of oxycodone?
16	A. I believe so.	16	A. I believe that may be the case.
17	Q. That's what it indicates on the	17	Q. And 500 milligrams of APAP?
18	chart, right?	18	A. Yes.
19	A. Yes.	19	Q. And what does APAP stand for?
20	Q. If you look at the comments after	20	A. Acetaminophen.
21	the filed date, it says not launching	21	Q. All right. You can put that
22	5 milligrams/325 milligrams?	22	aside.
23	A. Yes.	23	(Document marked for
24	Q. Do you underst do you have any	24	identification as Myers Deposition
			,
	Page 203		D 004
	rage 203		Page 204
1	Exhibit No. 14.)	1	
1 2		1 2	appears that the Bates range does
	Exhibit No. 14.)		
2	Exhibit No. 14.) BY MR. MELAMED:	2	appears that the Bates range does encompass the documents, it's just
2	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been	2 3	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments
2 3 4	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14.	2 3 4	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected
2 3 4 5	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and	2 3 4 5	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you
2 3 4 5 6	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from	2 3 4 5 6	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any
2 3 4 5 6 7	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on	2 3 4 5 6 7	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.
2 3 4 5 6 7 8	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone	2 3 4 5 6 7 8	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's
2 3 4 5 6 7 8	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone Launch Preparation. Bates range of the document	2 3 4 5 6 7 8	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's because they were produced natively, so
2 3 4 5 6 7 8 9	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone Launch Preparation. Bates range of the document is ALLERGAN_MDL_03684488 to 4492, and then there	2 3 4 5 6 7 8 9	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's because they were produced natively, so I think we're on the same physical page,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone Launch Preparation. Bates range of the document is ALLERGAN_MDL_03684488 to 4492, and then there is an addended document that does not currently have a Bates number on it. It's actually interspersed throughout. There's HDMA documents that are in the production that do not appear to have Bates numbers. MR. MELAMED: I'll represent to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's because they were produced natively, so I think we're on the same physical page, not even metaphorically.  BY MR. MELAMED:  Q. All right. Do you recognize this document?  A. No.  Q. Do you have any reason to believe
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone Launch Preparation. Bates range of the document is ALLERGAN_MDL_03684488 to 4492, and then there is an addended document that does not currently have a Bates number on it. It's actually interspersed throughout. There's HDMA documents that are in the production that do not appear to have Bates numbers.  MR. MELAMED: I'll represent to counsel that this is produced as a unitary doc. I'm not sure why the Bates numbers are not on here. MS. MAHONEY: I believe it's because they were produced natively. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's because they were produced natively, so I think we're on the same physical page, not even metaphorically.  BY MR. MELAMED:  Q. All right. Do you recognize this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments?  A. No, I believe I did was the author.  Q. And this concerned preparation
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Exhibit No. 14.) BY MR. MELAMED: Q. I'm handing you what's been marked Exhibit 14. Exhibit 14 is an e-mail and several attachments thereto. The e-mail is from Dave Myers to a group of recipients on June 20th, 2011. The subject is Oxymorphone Launch Preparation. Bates range of the document is ALLERGAN_MDL_03684488 to 4492, and then there is an addended document that does not currently have a Bates number on it. It's actually interspersed throughout. There's HDMA documents that are in the production that do not appear to have Bates numbers.  MR. MELAMED: I'll represent to counsel that this is produced as a unitary doc. I'm not sure why the Bates numbers are not on here. MS. MAHONEY: I believe it's because they were produced natively. I see a reference to that, but I here's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	appears that the Bates range does encompass the documents, it's just not the Bates number is not reflected on several of the individual attachments that are here. I'm happy to talk to you about that after if there's any confusion.  MS. MAHONEY: Again, I think it's because they were produced natively, so I think we're on the same physical page, not even metaphorically.  BY MR. MELAMED: Q. All right. Do you recognize this document? A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments? A. No, I believe I did was the author. Q. And this concerned preparation for launching generic oxymorphone, correct?

	Page 205		Page 206
1	BY MR. MELAMED:	1	Q. Do you recall the general
2	Q. And that's referenced in the	2	discussion that occurred during such meetings?
3	subject line, right?	3	MS. MAHONEY: Objection.
4	A. Yes.	4	THE WITNESS: Typically, during a
5	Q. And in your e-mail you say, "I	5	launch meeting we would provide certain
6	have attached the launch preparation documents	6	members of the commercial team with a
7	that we will be discussing at this morning's	7	background on the product and any other
8	meeting."	8	pertinent information. There are
9	Do you see that?	9	documents attached which give background
10	A. Yes, sir.	10	on the product.
11	Q. Do you recall that discussion	11	BY MR. MELAMED:
12	that you reference in the e-mail?	12	Q. Okay. I want to talk primarily
13	A. I don't recall the meeting.	13	about the first attached document, which runs
14	Q. Was it customary to have a	14	from the Bates number 4489 to 4490. It says
15	meeting to launch a generic drug at Actavis?	15	"New Product Fact Sheet: Oxymorphone HCl
16	MS. MAHONEY: Objection.	16	Extended-Release Tablets 7.5 & 15 mg."
17	THE WITNESS: Yes.	17	Do you recognize this document?
18	BY MR. MELAMED:	18	A. I do.
19	Q. Was it customary for you to be	19	Q. Did you prepare this document?
20	involved in product launch meetings at Actavis?	20	A. I believe I did.
21	MS. ZOLNER: Objection.	21	Q. And it's labeled "For Actavis
22	MS. MAHONEY: Objection.	22	Internal Use Only."
23	THE WITNESS: In some cases.	23	Do you see that?
24	BY MR. MELAMED:	24	A. Yes.
	Page 207		Page 208
	<u> </u>		1 age 200
1	Q. And the intent was that it not be	1	terms of the number of individual tablets of
1 2		1 2	
	Q. And the intent was that it not be		terms of the number of individual tablets of
2	Q. And the intent was that it not be shared outside of Actavis, correct?	2	terms of the number of individual tablets of Opana?
2 3	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes.	2 3	terms of the number of individual tablets of Opana?  A. Yes.
2 3 4	<ul> <li>Q. And the intent was that it not be shared outside of Actavis, correct?</li> <li>A. Yes.</li> <li>Q. So I want to talk do you see the section labeled "Overall Market (all</li> </ul>	2 3 4	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says,
2 3 4 5	<ul><li>Q. And the intent was that it not be shared outside of Actavis, correct?</li><li>A. Yes.</li><li>Q. So I want to talk do you see</li></ul>	2 3 4 5	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units
2 3 4 5 6	<ul> <li>Q. And the intent was that it not be shared outside of Actavis, correct?</li> <li>A. Yes.</li> <li>Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?</li> </ul>	2 3 4 5 6	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."
2 3 4 5 6 7	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir.	2 3 4 5 6 7	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that?
2 3 4 5 6 7 8	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir. Q. The first line says "Actual 12	2 3 4 5 6 7 8	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that? A. Yes.
2 3 4 5 6 7 8	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir. Q. The first line says "Actual 12 Months Ending March 2011 Total Market Units	2 3 4 5 6 7 8	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that?  A. Yes. Q. Do you know what's meant by
2 3 4 5 6 7 8 9	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir. Q. The first line says "Actual 12 Months Ending March 2011 Total Market Units (tablets)," and then to the right of that it	2 3 4 5 6 7 8 9	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that?  A. Yes. Q. Do you know what's meant by extended units?
2 3 4 5 6 7 8 9 10	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir. Q. The first line says "Actual 12 Months Ending March 2011 Total Market Units (tablets)," and then to the right of that it says "49.8 MM."	2 3 4 5 6 7 8 9 10	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that? A. Yes. Q. Do you know what's meant by extended units? A. This is confusing.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And the intent was that it not be shared outside of Actavis, correct?  A. Yes. Q. So I want to talk do you see the section labeled "Overall Market (all strengths)"?  A. Yes, sir. Q. The first line says "Actual 12  Months Ending March 2011 Total Market Units (tablets)," and then to the right of that it says "49.8 MM."  Do you see that?  A. Yes. Q. MM stands for million, correct? A. Yes. Q. So that's 49.8 million Opana tablets  A. Yes. Q. Actually, let me pull back. What does that 49.8 million describe?  A. I believe it describes the total	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	terms of the number of individual tablets of Opana?  A. Yes. Q. And the next line says, "Projected 2011 Total Market Extended Units (tablet)."  Do you see that? A. Yes. Q. Do you know what's meant by extended units? A. This is confusing. Q. What is confusing? A. I believe there's an error in the document. Q. Okay. Can you explain what you believe the error to be, please. A. In the first bullet that we just discussed, it says "Total Market Units (tablets) 49.8 million." In the second it says Total Market Extended Units (tablets) let me collect my thoughts. Q. Mm-hmm.

	Page 209		Page 210
1	by the jump in number between 49.8 million in	1	explanation, is it your understanding that the
2	the first line and 310 million in the second	2	first line refers to when it talks about
3	line?	3	total market units, it's referring to the number
4	A. Yes.	4	of bottles sold?
5	Q. Because that seems like a rather	5	MS. MAHONEY: Objection.
6	large jump if you're comparing the number of	6	THE WITNESS: I can't be sure.
7	tablets sold in actual 12 months ended	7	I'd have to look at the data from that
8	March 2011 for the projected 2011 calendar year	8	time.
9	sales; is that right?	9	BY MR. MELAMED:
10	MS. ZOLNER: Objection, form.	10	Q. The next line says, "Actual 12
11	MS. MAHONEY: Objection.	11	Months Ending December 2010 Total Market Sales
12	THE WITNESS: What I'm thinking	12	(IMS)."
13	may be the issue is in the first line	13	A. Yes.
14	where it says total market units and	14	Q. And then the number that's given
15	then tablets is in parentheses at	15	is \$318 million, correct?
16	49.8 million, and then it clearly states	16	A. Yes.
17	that extended units tablets in the	17	Q. Can you explain what that
18	industry a unit would be a sales unit,	18	\$318 million reflects?
19	so a bottle of a specific number of	19	A. Let me read the whole statement
20	that's commonly sold. An extended unit	20	here.
21	would be a tablet, down to the lowest	21	(Witness reviews document.)
22	form. In this case it would be tablets.	22	Yes, the 318 million refers to
23	BY MR. MELAMED:	23	the estimated amount of Opana sales for the 12
24	Q. So is it given that	24	months up to December 2010.
	Page 211		Page 212
1	Q. And the reference to IMS is a	1	"Market volume has increased by 28%; dollar
2	reference to where that information came from?	2	volume increased by 41% (year-over-year)."
3	A. Yes.	3	What do you mean by market volume
4	Q. And then there's an italicized	4	has increased by 28%?
5	line at the bottom of this section that says 7.5	5	A. The number of extended units has
6	and 15-milligram strengths had sales of	6	increased.
7	\$22 million, but brand discontinued these	7	Q. And remind me, by extended units
8	strengths in 03/2011.	8	you mean the number of individual Opana pills?
9	Do you see that?	9	A. Yes.
10	A. Yes.	10	Q. Okay. And is that a comparison
	() Do you modell why Onene was	11	
11	Q. Do you recall why Opana was		between two years when it says year-over-year?
12	discontinued in the 7.5 and 15-milligram	12	A. Yes.
12 13	discontinued in the 7.5 and 15-milligram strengths in March of 2011?	12 13	<ul><li>A. Yes.</li><li>Q. Do you know which two years you</li></ul>
12 13 14	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.	12 13 14	<ul><li>A. Yes.</li><li>Q. Do you know which two years you are comparing at this point?</li></ul>
12 13 14 15	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.  THE WITNESS: I was not privy to	12 13 14 15	<ul><li>A. Yes.</li><li>Q. Do you know which two years you are comparing at this point?</li><li>A. I believe that it would be in</li></ul>
12 13 14 15 16	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.  THE WITNESS: I was not privy to Opana's strategy, Endo's strategy with	12 13 14 15 16	<ul> <li>A. Yes.</li> <li>Q. Do you know which two years you are comparing at this point?</li> <li>A. I believe that it would be in year-over-year it would be to the data that I am</li> </ul>
12 13 14 15 16 17	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.  THE WITNESS: I was not privy to Opana's strategy, Endo's strategy with Opana, I should say.	12 13 14 15 16 17	<ul><li>A. Yes.</li><li>Q. Do you know which two years you are comparing at this point?</li><li>A. I believe that it would be in</li></ul>
12 13 14 15 16 17 18	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.  THE WITNESS: I was not privy to Opana's strategy, Endo's strategy with Opana, I should say.  BY MR. MELAMED:	12 13 14 15 16 17 18	A. Yes. Q. Do you know which two years you are comparing at this point? A. I believe that it would be in year-over-year it would be to the data that I am saying hold on just one second. Let me be sure.
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12 13 14 15 16 17 18 19 20 21 22	discontinued in the 7.5 and 15-milligram strengths in March of 2011?  MS. MAHONEY: Objection.  THE WITNESS: I was not privy to Opana's strategy, Endo's strategy with Opana, I should say.  BY MR. MELAMED:  Q. So you don't understand one you don't have do you have any understanding of why they were withdrawing?  A. No.	12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Do you know which two years you are comparing at this point? A. I believe that it would be in year-over-year it would be to the data that I am saying hold on just one second. Let me be sure.  (Witness reviews document.) The latest data I probably would have had at that point would have been March 2011, and so it was probably

	Page 213		Page 214
1		1	
1	Q. So it would the 28% market	1	volume. If the dollar volume increased
2	volume increase you're talking about would	2	to 41%, by 41% and units only increased
3	compare April 2010 to March 2011 versus	3	by 28%, that would mean the only difference could be an increase in
4	April 2010 I'm sorry April 2009 to	4	
5	March 2010; is that correct?	5	price. That's how we were deducing
6	A. Yes, I believe so.	6	that.
7	Q. Okay. And then you say dollar	7	BY MR. MELAMED:
8	volume increased by 41% year-over-year, do you	8	Q. And by just a simple question,
9	believe that comparison is for the same two time	9	by dollar volume, are you referring to the
10	periods we just discussed?	10	dollar sales?
11	A. Yes.	11	A. Yes, but it's it's IMS's
12	Q. And what do you mean by dollar	12	predicted sales. IMS does not really know
13	volume?	13	contract prices, and there may be rebates
14	A. It would imply that Opana had	14	involved that are not taken into account.
15	Endo had increased the price of Opana.	15	Actual performance may be less.
16	Q. By 41%?	16	Q. Sorry to cut you off.
17	MS. MAHONEY: Objection.	17	This is IMS's estimate
18	THE WITNESS: No.	18	A. Yes.
19	BY MR. MELAMED:	19	Q of the sales compared over the
20	Q. How did you determine that Endo	20	two years we talked about earlier?
21	had increased the price of Opana?	21	A. Yes.
22	MS. ZOLNER: Objection, form.	22	Q. Okay. In the next bullet
23	THE WITNESS: We used IMS dollar	23	point it says, "trade channel," and it states
24	volume, compared it to IMS unit sales	24	that 49% of the volume is via drug chains, 34%
	Page 215		Page 216
1	via independents, 11% via food stores. LTC and	1	BY MR. MELAMED:
2			
2	mail order comprise less than 5%.	2	Q. I'll reread it, just so the
2 3 4	mail order comprise less than 5%.  Do you see that?	2 3	Q. I'll reread it, just so the record is clear. The document actually says
3 4	mail order comprise less than 5%.  Do you see that?  A. Yes.	2 3 4	Q. I'll reread it, just so the record is clear. The document actually says "Actavis Market Share Target: 50%."
3 4 5	mail order comprise less than 5%.  Do you see that?  A. Yes.  Q. Do you know where you got that	2 3	Q. I'll reread it, just so the record is clear. The document actually says
3 4	mail order comprise less than 5%.  Do you see that?  A. Yes.  Q. Do you know where you got that data?	2 3 4 5 6	Q. I'll reread it, just so the record is clear. The document actually says "Actavis Market Share Target: 50%."  Do you see that?  A. Yes.
3 4 5 6	mail order comprise less than 5%.  Do you see that?  A. Yes. Q. Do you know where you got that data?  A. That would also be from IMS.	2 3 4 5	Q. I'll reread it, just so the record is clear. The document actually says "Actavis Market Share Target: 50%."  Do you see that?  A. Yes.  Q. I was not trying to confuse you.
3 4 5 6 7	mail order comprise less than 5%.  Do you see that?  A. Yes.  Q. Do you know where you got that data?	2 3 4 5 6 7	Q. I'll reread it, just so the record is clear. The document actually says "Actavis Market Share Target: 50%."  Do you see that?  A. Yes.  Q. I was not trying to confuse you. I misread the document.
3 4 5 6 7 8	mail order comprise less than 5%.  Do you see that?  A. Yes. Q. Do you know where you got that data?  A. That would also be from IMS. Q. And then the final bullet point in that section states that "Endo discontinued"	2 3 4 5 6 7 8	Q. I'll reread it, just so the record is clear. The document actually says "Actavis Market Share Target: 50%."  Do you see that?  A. Yes.  Q. I was not trying to confuse you.
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	Page 217		Page 218
1	of this document, which again at 4490, it talks	1	MS. ZOLNER: Objection.
2	about Marketing Promotional Plans, and you start	2	BY MR. MELAMED:
3	by writing, "Because Endo discontinued the 7.5	3	Q to be introduced by Actavis?
4	and 15 mg strengths in March 2011 Actavis will	4	MS. ZOLNER: Objection,
5	be implementing a more aggressive promotional	5	foundation.
6	campaign for this launch."	6	THE WITNESS: The goal of the
7	Do you see that?	7	marketing plan was to make pharmacists
8	A. Yes, sir.	8	and doctors aware that these two
9	Q. Does that reflect your let me	9	strengths were once again available for
10	withdraw that.	10	those patients they felt they were most
11	Does the reason for the more	11	appropriate for.
12	aggressive promotional campaign for this launch	12	BY MR. MELAMED:
13	relate to the answer you provided before, that	13	Q. And how do you know that that was
14	doctors may have stopped writing prescriptions	14	the goal of the marketing plan?
15	at this strength because the drug had no longer	15	A. Because I was part of creating
16	been available?	16	the marketing plan.
17	MS. MAHONEY: Objection.	17	Q. And so the four bullet points
18	THE WITNESS: Yes.	18	list different aspects of the marketing
19	BY MR. MELAMED:	19	promotional plan that Actavis plans to
20	Q. And is the goal of the	20	implement; is that true?
21	promotional campaign let me withdraw that.	21	MS. MAHONEY: Objection.
22	What was the goal of the	22	THE WITNESS: They were proposed
23	marketing promotional plan for oxymorphone in	23	action plans, yes.
24	7.5 and 15-milligram strengths	24	BY MR. MELAMED:
	Page 219		
1	Q. Did you propose them?	1	prescribing doctors of Opana ER?
2	A. I wrote them on this document. I	2	A. I believe we purchased a mailing
3	don't remember who conceived of each individual	3	list from IMS data.
4	component.	4	Q. Is your belief that IMS data
5	Q. Okay. The first bullet is "A two	5	provided you the list of the top 10,000
6	wave direct-mail campaign to the top 10,000	6	prescribing doctors of Opana ER?
7	prescribing doctors."	7	A. I believe so.
8	What were those doctors, the top	8	Q. Do you know whether IMS data
9	10,000 sorry, let me withdraw that.	9	maintained records of other drugs that doctors
10	Was there a particular drug that	10	prescribed?
11	these doctors were the top 10,000 prescribing	11	A. I imagine that they do based on
12	doctors of?	12	the nature of their business, but I have no
13	MS. MAHONEY: Objection.	13	direct knowledge of how they run their business.
14	MS. ZOLNER: Objection.	14	Q. Were you involved in the decision
15	THE WITNESS: Yes.	15	to purchase that information from IMS?
16	BY MR. MELAMED:	16	MS. MAHONEY: Objection.
17	Q. What was that drug?	17	MS. ZOLNER: Objection, form.
18	A. Opana ER.	18	THE WITNESS: I was involved in
19	Q. Was that list of the top 10,000	19	the decision and development of the
20	doctors limited by any particular strength of	20	campaign. I don't remember who decided
21	Opana ER?	21	to buy the data from IMS.
22	A. Not that I recall.	22	BY MR. MELAMED:
23	Q. From where did you get the	23	Q. Actavis did buy the data
24	information about who were the top 10,000	24	eventually from IMS concerning the top 10,000

	Page 221		Page 222
1	prescribing doctors of Opana, correct?	1	Kadian sales force to deliver sell sheets to
2	A. I believe so.	2	known pain doctors they visited in their
3	Q. Do you recall how much that cost	3	day-to-day promotion of Kadian?
4	Actavis?	4	MS. MAHONEY: Objection.
5	A. No, I'm sorry, I don't.	5	MS. ZOLNER: Objection to form,
6	Q. Do you have any ballpark figure?	6	objection, foundation.
7	MS. MAHONEY: Objection.	7	THE WITNESS: We thought that
8	THE WITNESS: No, I don't.	8	would be another way to bring awareness
9	BY MR. MELAMED:	9	of availability of oxymorphone 7.5 mg
10	Q. The second bullet point talks	10	and 15 mg strengths to doctors who
11	about "Direct Contact."	11	specialized in pain management.
12	Do you see that?	12	BY MR. MELAMED:
13	A. Yes.	13	Q. Is the reason that doctors if
14	Q. And the plan was to utilize the	14	you know, is the reason that doctors who
15	Kadian sales force to deliver sell sheets to	15	specialized in pain management were targeted for
16	known pain doctors they visit in their	16	providing this information because they were the
17	day-to-day promotion of Kadian.	17	most likely to prescribe the drug being
18	Do you see that?	18	promoted?
19	MS. MAHONEY: Objection.	19	MS. ZOLNER: Objection to form.
20	THE WITNESS: I do.	20	MS. MAHONEY: Objection.
21	BY MR. MELAMED:	21	THE WITNESS: They could be among
22	Q. Why was oxymorphone let me	22	the people that would be likely to
23	withdraw that.	23	prescribe, but additional people
24	Why was the plan to use the	24	additional doctors in specialties like
	, 1		_
	Page 223		Page 224
1	oncology and such might also prescribe,	1	patients who have had success that it had been
2	so they were not the only ones who would	2	beneficial for in managing their pain.
3	be likely.	3	Q. Next bullet point mentions
4	DVMD MELAMED		
	BY MR. MELAMED:	4	"Journal advertising to two segments of the
5	Q. They were among the group that	4 5	"Journal advertising to two segments of the industry."
5 6			
	Q. They were among the group that	5	industry."
6	Q. They were among the group that was likely to prescribe Opana; is that correct?	5 6	industry."  Do you see that?  A. I do. Q. The first one is "Practical Pain
6 7	Q. They were among the group that was likely to prescribe Opana; is that correct?  MS. MAHONEY: Objection.	5 6 7	industry."  Do you see that?  A. I do.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. They were among the group that was likely to prescribe Opana; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: I believe so.  BY MR. MELAMED:  Q. Similar, why was the decision made to target the direct mail campaign to the top ten prescribing doctors of Opana ER?  MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. I'm sorry, I said top ten. Order of magnitude a few or two off. I'll restate the question.  Do you know why the decision was made to target the direct mail campaign to the top 10,000 prescribing doctors of Opana ER?  A. We I believe that many, many,	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	industry."  Do you see that?  A. I do. Q. The first one is "Practical Pain Management - focused on pain specialists."  Do you know why journal advertising in Practical Pain Management was contemplated for the promotional materials for Opana for oxymorphone?  A. I believe based on the indication of oxymorphone, that this would help support our awareness campaign to let people who would read that journal know that it was available.  Q. And then the second sub-bullet point is "Pharmacy Times - focused on pharmacists/pharmacy buyers."  Do you know why the decision to
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. They were among the group that was likely to prescribe Opana; is that correct?  MS. MAHONEY: Objection. THE WITNESS: I believe so.  BY MR. MELAMED: Q. Similar, why was the decision made to target the direct mail campaign to the top ten prescribing doctors of Opana ER? MS. MAHONEY: Objection.  BY MR. MELAMED: Q. I'm sorry, I said top ten. Order of magnitude a few or two off. I'll restate the question.  Do you know why the decision was made to target the direct mail campaign to the top 10,000 prescribing doctors of Opana ER? A. We I believe that many, many, many multitudes of doctors prescribed Opana ER, and we wanted to reach the people who were most	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	industry."  Do you see that?  A. I do. Q. The first one is "Practical Pain Management - focused on pain specialists."  Do you know why journal advertising in Practical Pain Management was contemplated for the promotional materials for Opana for oxymorphone?  A. I believe based on the indication of oxymorphone, that this would help support our awareness campaign to let people who would read that journal know that it was available.  Q. And then the second sub-bullet point is "Pharmacy Times - focused on pharmacists/pharmacy buyers."  Do you know why the decision to advertise introduction of generic oxymorphone in Pharmacy Times was made?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. They were among the group that was likely to prescribe Opana; is that correct? MS. MAHONEY: Objection. THE WITNESS: I believe so. BY MR. MELAMED: Q. Similar, why was the decision made to target the direct mail campaign to the top ten prescribing doctors of Opana ER? MS. MAHONEY: Objection. BY MR. MELAMED: Q. I'm sorry, I said top ten. Order of magnitude a few or two off. I'll restate the question. Do you know why the decision was made to target the direct mail campaign to the top 10,000 prescribing doctors of Opana ER? A. We I believe that many, many, many multitudes of doctors prescribed Opana ER,	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	industry."  Do you see that?  A. I do. Q. The first one is "Practical Pain Management - focused on pain specialists."  Do you know why journal advertising in Practical Pain Management was contemplated for the promotional materials for Opana for oxymorphone?  A. I believe based on the indication of oxymorphone, that this would help support our awareness campaign to let people who would read that journal know that it was available.  Q. And then the second sub-bullet point is "Pharmacy Times - focused on pharmacists/pharmacy buyers."  Do you know why the decision to advertise introduction of generic oxymorphone in

	Page 225		Page 226
1	THE WITNESS: Yes.	1	aside.
2	BY MR. MELAMED:	2	(Document marked for
3	Q. Why was that?	3	identification as Myers Deposition
4	A. To bring awareness also to	4	Exhibit No. 15.)
5	pharmacists that the product was available and	5	BY MR. MELAMED:
6	to pharmaceutical buyers that they could	6	Q. I'm going to hand you what's been
7	purchase this for their pharmacy.	7	marked Myers Exhibit 15.
8	Q. Do you know whether you followed	8	It's a voluminous document. I'll
9	up on each of these four bullet points in the	9	represent to you that most of the volume is a
10	marketing promotional plans?	10	single spreadsheet, and we're not going to go
11	A. I think	11	through it row by row. Obviously, you should
12	Q. Go ahead. I'm sorry.	12	flip through it and familiarize yourself, but
13	MS. ZOLNER: Objection, form.	13	I'm hopeful that you will not need to read the
14	THE WITNESS: I believe that we	14	entirety of the document before we discuss it.
15	did.	15	A. I can see why you would be
16	BY MR. MELAMED:	16	hopeful.
17	Q. And by follow up I mean did you	17	Q. Exhibit 15 is an e-mail, starting
18	implement each of the plans discussed in these	18	at ACTAVIS1130369 from David Myers to Joanne
19	four bullet points?	19	Terzides, cc'ing several individuals, July 7th,
20	MS. ZOLNER: Objection, form.	20	2011, e-mail continues through ACTAVIS1130374.
21	THE WITNESS: I believe that we	21	
22	did. There may be some variance in the	22	There are several pages of what appear to be
23	journals that we used.	23	signature gifs and then an extensive spreadsheet
24	MR. MELAMED: You can put that		starting which all shares the same Bates
	The HELL HALLS. You can put that	24	number ACTAVIS1130377. And then at the end of
	Page 227		Page 228
1	the spreadsheet, a communication from PDQ	1	Q. And next line says, "I have
2	Communications to David Myers, two		· · · · · · · · · · · · · · · · · · ·
		2	attached a spreadsheet that provides the name
3	•	3	attached a spreadsheet that provides the name and addresses of the top 10,000 prescribing
4	communications, both dated July 1st, 2011.		attached a spreadsheet that provides the name and addresses of the top 10,000 prescribing doctors of Opana ER."
	communications, both dated July 1st, 2011.  Are you do you recall this	3	and addresses of the top 10,000 prescribing doctors of Opana ER."
4 5	communications, both dated July 1st, 2011.	3 4	and addresses of the top 10,000 prescribing
4	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.	3 4 5	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?
4 5 6 7	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe	3 4 5 6	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.
4 5 6	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.	3 4 5 6 7	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this
4 5 6 7 8	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the	3 4 5 6 7 8	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the
4 5 6 7 8 9	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?	3 4 5 6 7 8	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of
4 5 6 7 8 9	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.	3 4 5 6 7 8 9	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the
4 5 6 7 8 9 10	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.  Q. And this was sent pursuant to	3 4 5 6 7 8 9 10	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?
4 5 6 7 8 9 10 11	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.	3 4 5 6 7 8 9 10 11 12	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.
4 5 6 7 8 9 10 11 12 13	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.  Q. And this was sent pursuant to your professional duties at Actavis; is that	3 4 5 6 7 8 9 10 11 12 13	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.
4 5 6 7 8 9 10 11 12 13 14	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?	3 4 5 6 7 8 9 10 11 12 13 14	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:
4 5 6 7 8 9 10 11 12 13 14 15	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.  Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.	3 4 5 6 7 8 9 10 11 12 13 14 15	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first
4 5 6 7 8 9 10 11 12 13 14 15	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection. THE WITNESS: Yes, sir.	3 4 5 6 7 8 9 10 11 12 13 14 15	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first paragraph you say, "This is the list we would
4 5 6 7 8 9 10 11 12 13 14 15 16 17	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir. BY MR. MELAMED:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign,"
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.  Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir.  BY MR. MELAMED:  Q. It wasn't a personal e-mail to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign," correct?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir. BY MR. MELAMED: Q. It wasn't a personal e-mail to Ms. Terzides? A. No.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign," correct?  A. Yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir. BY MR. MELAMED: Q. It wasn't a personal e-mail to Ms. Terzides? A. No. Q. You see the first paragraph that	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do. Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED: Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign," correct?  A. Yes. Q. Do you recall the content of the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No. Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author. Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir. BY MR. MELAMED: Q. It wasn't a personal e-mail to Ms. Terzides? A. No.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do.  Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED:  Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign," correct?  A. Yes.  Q. Do you recall the content of the direct mail campaign that you were discussing
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	communications, both dated July 1st, 2011.  Are you do you recall this document?  A. No.  Q. Do you have any reason to believe that you did not send the e-mail and the attachments thereto as reflected in this document?  A. No, I see that I was the author.  Q. And this was sent pursuant to your professional duties at Actavis; is that correct?  MS. MAHONEY: Objection.  THE WITNESS: Yes, sir.  BY MR. MELAMED:  Q. It wasn't a personal e-mail to  Ms. Terzides?  A. No.  Q. You see the first paragraph that this refers to a two wave oxycodone direct	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and addresses of the top 10,000 prescribing doctors of Opana ER."  Do you see that?  A. I do. Q. Do you believe the spreadsheet, which makes up the vast majority of this exhibit, reflects what you described as the spreadsheet providing the names and addresses of the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.  THE WITNESS: I believe it does.  BY MR. MELAMED: Q. And the end of the first paragraph you say, "This is the list we would like to use for our direct mail campaign," correct?  A. Yes. Q. Do you recall the content of the direct mail campaign that you were discussing here?

Page 230 Page 229 1 BY MR. MELAMED: 1 provided to doctors at time one from time two? 2 2 Q. What was included in that direct MS. ZOLNER: Objection, form. 3 THE WITNESS: No, I don't believe 3 mail campaign? 4 A. There was an advertising printed 4 SO. 5 piece created that included information about 5 BY MR. MELAMED: 6 the drug being available, the strengths and the 6 Q. You believe it was the same, 7 sizes, as well as a full list of required 7 precisely the same information that was mailed 8 warnings, PI, black box warnings, things like 8 twice to each recipient? 9 9 that all would have been included. MS. MAHONEY: Objection. 10 THE WITNESS: Yes. 10 Q. And it references a two wave 11 11 BY MR. MELAMED: oxycodone direct mail program? 12 12 Yes. Q. If you can turn to the first page 13 13 of the spreadsheet at ACTAVIS1130377. I Does that mean there were two sep 14 -- the plan was for there to be two separate --14 apologize for the size of the information on 15 withdraw that. 15 this, but, hopefully, you can make it out. 16 16 Does that indicate that there was A. Yes. 17 a plan to mail information to these top 10,000 17 Q. And, again, I don't want to go through line by line. I'd like to go through 18 prescribing doctors at two separate points in 18 19 time? 19 the first line to see if I can understand -- if 2.0 20 you understand and tell me what the information MS. MAHONEY: Objection. 21 THE WITNESS: Yes. 21 in that first line reflects. 22 22 So, first, if you see at the top BY MR. MELAMED: 23 Q. Was there a difference in the 23 before we get to the individual line, it says "Data: March 2011." 24 content of the information that was going to be 24 Page 231 Page 232 1 Do you see that in very small 1 Where the header says YTD, it's 2 print right under the header "Opana ER, Full 2 indicating information --3 List of Prescribers"? 3 A. Year-to-date. 4 A. Yes. 4 And that the year-to-date O. 5 5 Do you understand what "Data: indicates information from January to March Q. 6 March 2011" means? 6 of 2011? 7 7 A. I assume it to mean that's the A. Yes. I don't see how that's 8 date when the information was pulled. 8 relevant to the document though. I don't... 9 Q. And then over to the left, again, 9 Okay. If you look over at the 10 before we get into the rows and information, 10 column headers on the right side, you'll see 11 there's one asterisk that says 2010 is 11 that there are a series of headers that start 12 Jan-December 2010. 12 with -- we'll start from the first. It says Opana 2010, and then the next immediately 13 A. 13 Do you have any understanding of adjacent column is Opana year-to-date. 14 Q. 14 15 15 what that means? A. I see. 16 A. 16 So is your understanding that 17 And then two asterisks, it says 17 those definitions we were just going through at 18 18 YTD is Jan - March -- I'm sorry, Jan-Mar 2011. the top of the document refer to what is meant 19 Do you see that? 19 by 2010 and what is meant by YTD? 20 20 A. Yes. MS. MAHONEY: Objection. 21 Q. Do you have any understanding of 21 THE WITNESS: I believe that 22 22 what that means? based on this conversation. I don't 23 A. I assume it means for a partial 23 remember recognizing that in the past. 24 24 BY MR. MELAMED: year.

	Page 233		Page 234
1	Q. Did you make this data came	1	Q. And the product group is Opana
2	from IMS, correct?	2	ER.
3	A. I believe so.	3	Do you see that?
4	Q. Did you make the request to IMS	4	A. Yes.
5	for this data?	5	Q. And I'll represent to you that
6	A. I don't know.	6	each of the rows in this document says "Opana
7	Q. Did you ever request data from	7	ER."
8	IMS, you being you, David Myers?	8	Do you have any understanding of
9	A. I don't know.	9	what that product group being defined as Opana
10	Q. Okay. Do you know who you would	10	ER means?
11	have talked to at IMS would you have wanted to	11	A. I believe it to be people who
12	request information?	12	prescribed Opana ER.
13	MS. MAHONEY: Objection.	13	Q. So is it your understanding that
14	THE WITNESS: No, I didn't	14	that was a restriction set on the information
15	have I don't remember having contacts	15	given to you?
16	directly with at IMS.	16	A. Yes.
17	BY MR. MELAMED:	17	Q. You somehow sorry.
18	Q. All right. Now I'd like to go	18	A. Sorry. I didn't let you finish.
19	through some of the information and just use the	19	Q. That's okay. I think you said
20	first row primarily.	20	yes, and I'll follow up just to make sure I
21	The first column says "Product	21	understand, that somebody at Actavis had
22	Group."	22	requested information about the top 10,000
23	Do you see that?	23	prescribing doctors of Opana ER, and the product
24	A. Yes.	24	group was used to limit the information to
	D 025		
	Page 235		Page 236
1	doctors who prescribed Opana ER; is that	1	Page 236 others where it is blank?
1 2		1 2	
	doctors who prescribed Opana ER; is that		others where it is blank?
2	doctors who prescribed Opana ER; is that correct?	2	others where it is blank?  MS. MAHONEY: Objection.
2	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true.	2	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know
2 3 4	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says	2 3 4	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.
2 3 4 5	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says "Target Flag."	2 3 4 5	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.  BY MR. MELAMED:
2 3 4 5 6	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says "Target Flag." Do you know what that means?	2 3 4 5 6	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.  BY MR. MELAMED:  Q. The next column says "PDRP Flag."
2 3 4 5 6 7	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says "Target Flag."  Do you know what that means? A. No.	2 3 4 5 6 7	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.  BY MR. MELAMED:  Q. The next column says "PDRP Flag."  A. Yes.
2 3 4 5 6 7 8	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says "Target Flag."  Do you know what that means?  A. No. Q. Do you know why some have a	2 3 4 5 6 7 8	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.  BY MR. MELAMED:  Q. The next column says "PDRP Flag."  A. Yes.  Q. Do you know what PDRP stands for?
2 3 4 5 6 7 8	doctors who prescribed Opana ER; is that correct?  A. I believe that to be true. Q. Okay. The next column says "Target Flag."  Do you know what that means?  A. No. Q. Do you know why some have a for instance, the first row is blank under	2 3 4 5 6 7 8 9	others where it is blank?  MS. MAHONEY: Objection.  THE WITNESS: No, I don't know why.  BY MR. MELAMED:  Q. The next column says "PDRP Flag."  A. Yes.  Q. Do you know what PDRP stands for?  A. No, sir.
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	Page 237		Page 238
1	you received it?	1	row it's Guank(ph)?
2	A. No.	2	A. Yes.
3	Q. Do you recall using it as an	3	Q. And what is that?
4	electronic document?	4	A. I assume that is that doctor's
5	A. I believe it would have been	5	last name.
6	delivered to us as an electronic document	6	Q. Is it your assumption that the
7	because of its volume.	7	first name refers to that doctor's first name?
8	Q. And you believe that do you	8	A. Yes.
9	have any understanding of the file format it	9	Q. And the title reflects that
10	would have been delivered to you in?	10	doctor's professional title?
11	MS. MAHONEY: Objection.	11	A. I believe so.
12	THE WITNESS: No.	12	Q. So, for instance, in the first
13	BY MR. MELAMED:	13	row it is MD, so that represents what to you?
14	Q. The next column, we had just	14	A. Medical doctor.
15	discussed PDRP flag, we're moving on. The next	15	Q. And just skipping down to the
16	one says "ME," and each individual reflected in	16	fourth row, it says NP, do you understand what
17	a row in this chart has an ME number associated.	17	that means?
18	A. Mm-hmm.	18	A. I do not.
19	Q. Do you know what ME means?	19	Q. Is it possible that that means
20	A. No.	20	nurse practitioner?
21	Q. The next columns says "Last	21	MS. MAHONEY: Objection.
22	Name."	22	THE WITNESS: It could be
23	Do you have any understanding	23	possible.
24	what's indicated by last name, so in the first	24	BY MR. MELAMED:
	Page 239		Page 240
1	Page 239  Q. Do you know whether nurse	1	Page 240 state and zip code for each individual physician
1 2		1 2	
	Q. Do you know whether nurse		state and zip code for each individual physician
2	Q. Do you know whether nurse practitioners prescribed Opana?	2	state and zip code for each individual physician listed?  A. Yes.  Q. And I said "physician," I realize
2	Q. Do you know whether nurse practitioners prescribed Opana?  A. I have no personal knowledge of	2	state and zip code for each individual physician listed?  A. Yes.
2 3 4	<ul><li>Q. Do you know whether nurse practitioners prescribed Opana?</li><li>A. I have no personal knowledge of that.</li></ul>	2 3 4	state and zip code for each individual physician listed?  A. Yes.  Q. And I said "physician," I realize
2 3 4 5	<ul> <li>Q. Do you know whether nurse practitioners prescribed Opana?</li> <li>A. I have no personal knowledge of that.</li> <li>Q. Do you know whether Actavis'</li> </ul>	2 3 4 5	state and zip code for each individual physician listed?  A. Yes.  Q. And I said "physician," I realize they may not all be physicians.
2 3 4 5 6	<ul> <li>Q. Do you know whether nurse practitioners prescribed Opana?</li> <li>A. I have no personal knowledge of that.</li> <li>Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse</li> </ul>	2 3 4 5 6	state and zip code for each individual physician listed?  A. Yes.  Q. And I said "physician," I realize they may not all be physicians.  For each individual listed,
2 3 4 5 6 7	<ul> <li>Q. Do you know whether nurse practitioners prescribed Opana?</li> <li>A. I have no personal knowledge of that.</li> <li>Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners?</li> </ul>	2 3 4 5 6 7	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians.  For each individual listed, correct?  A. Yes. Q. You see where it says
2 3 4 5 6 7 8	Q. Do you know whether nurse practitioners prescribed Opana? A. I have no personal knowledge of that. Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners? A. I don't know.	2 3 4 5 6 7 8	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians.  For each individual listed, correct? A. Yes.
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2 3 4 5 6 7 8 9	Q. Do you know whether nurse practitioners prescribed Opana? A. I have no personal knowledge of that. Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners? A. I don't know. Q. If you look down just a few more rows, there's a DO.	2 3 4 5 6 7 8 9	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians.  For each individual listed, correct?  A. Yes. Q. You see where it says "Specialty"?
2 3 4 5 6 7 8 9 10	Q. Do you know whether nurse practitioners prescribed Opana? A. I have no personal knowledge of that. Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners? A. I don't know. Q. If you look down just a few more rows, there's a DO. Do you see that?	2 3 4 5 6 7 8 9 10	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians. For each individual listed, correct? A. Yes. Q. You see where it says "Specialty"? A. Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you know whether nurse practitioners prescribed Opana? A. I have no personal knowledge of that. Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners? A. I don't know. Q. If you look down just a few more rows, there's a DO. Do you see that? A. Mm-hmm. Q. Do you know what DO stands for? A. I believe it's doctor of it's a type of doctor. I don't remember exactly the word that it is. Q. Returning to the columns, you see there's address, city, state and zip code? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians. For each individual listed, correct? A. Yes. Q. You see where it says "Specialty"? A. Yes. Q. The first one says "PM." Do you know if that stands for pain management? A. I wouldn't know. I'd be guessing. Q. You have no idea anyway? A. No. Q. Do you know in the second row
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you know whether nurse practitioners prescribed Opana? A. I have no personal knowledge of that. Q. Do you know whether Actavis' sales force ever marketed any opioids to nurse practitioners? A. I don't know. Q. If you look down just a few more rows, there's a DO. Do you see that? A. Mm-hmm. Q. Do you know what DO stands for? A. I believe it's doctor of it's a type of doctor. I don't remember exactly the word that it is. Q. Returning to the columns, you see there's address, city, state and zip code? A. Yes. Q. Do you understand do you believe you understand what each of those stand	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	state and zip code for each individual physician listed?  A. Yes. Q. And I said "physician," I realize they may not all be physicians. For each individual listed, correct? A. Yes. Q. You see where it says "Specialty"? A. Yes. Q. The first one says "PM." Do you know if that stands for pain management? A. I wouldn't know. I'd be guessing. Q. You have no idea anyway? A. No. Q. Do you know in the second row what "IM" stands for? A. No.
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	Page 241		Page 242
1	15 or so, do you have any understanding of what	1	Territory."
2	any of those abbreviations stand for?	2	Do you see that?
3	A. No.	3	A. Yes.
4	Q. The next column is "Phone," and	4	Q. Do you know what that refers to?
5	for some individuals it appears to list a	5	A. I'm assuming it's a territory
6	ten-digit number.	6	that the doctor is located in or practices in.
7	Do you see that?	7	Q. And do you see how, if you look
8	A. Yes.	8	at row two, and this is consistent with several
9	Q. Do you have any understanding of	9	others, there's an alphanumeric indicator before
10	what that information is?	10	a geographic location?
11	A. In the column that says phone,	11	A. Mm-hmm.
12	I'd assume it means it's their phone number if	12	Q. And so in row 2 it's
13	they provided one.	13	A207-Indianapolis, IN.
14	Q. The next column says target list	14	Do you know what the A207 stands
15	category.	15	for in that?
16	Do you see that?	16	A. No, I don't.
17	MS. MAHONEY: Objection.	17	Q. And then the next column says
18	MR. MELAMED: I'm sorry. Thank	18	"Zip Terr Territory."
19	you.	19	Do you see that?
20	THE WITNESS: I don't see	20	A. Yes.
21	BY MR. MELAMED:	21	Q. Do you have any understanding of
22	Q. Yes. You won't see that because	22	what's indicated by that column?
23	I read it wrong, again, not trying to trick you.	23	A. I assume that it's the doctor's
24	The next column says "Target List	24	territory based upon their zip code.
	, Ç		
	Page 243		Page 244
1	Q. Okay. Now, moving over to the	1	the way it's represented.
2	right side, the first column says "Opana 210,"	2	BY MR. MELAMED:
3	and for the first row says 2,088.	3	Q. The next column has Opana
4	Do you understand what that 2,088	4	year-to-date, correct?
5	indicates?	5	A. Yes, sir.
6	A. I'm not sure how to interpret the	6	Q. And that here is 700.
7	data.	7	Do you see that?
8	Q. What are are there different	8	A. Yes.
9	interpretations that one could have of that	9	Q. Do you have any reason to believe
10	number, reasonably?	10	that the 700 reflects a different unit of
11	A. I don't	11	measure than the 2,088 in the Opana 2010
12	MS. MAHONEY: Objection.	12	category?
13	THE WITNESS: I don't know if	13	A. I have no reason to believe that,
14	that would be based on the number of	14	but I don't understand how the data is
15	prescriptions they've written or the	15	presented.
16	number of units that were filled for	16	Q. Okay. Do you have any
17	that doctor.	17	understanding of how the data is presented in
	DIVIND I WILLIAM D	18	the 5-milligram 2010 column?
18	BY MR. MELAMED:	1	
18 19	Q. So do you agree that the 2,088	19	A. The same confusion extends to
		19 20	A. The same confusion extends to this. Directionally I understand the breakdown,
19	Q. So do you agree that the 2,088		
19 20	Q. So do you agree that the 2,088 refers to something having to do with Opana in	20	this. Directionally I understand the breakdown,
19 20 21	Q. So do you agree that the 2,088 refers to something having to do with Opana in the year 2010 as it relates to that, your	20 21	this. Directionally I understand the breakdown, but I don't understand what makes up the number.
19 20 21 22	Q. So do you agree that the 2,088 refers to something having to do with Opana in the year 2010 as it relates to that, your doctor, Dr. Yang?	20 21 22	this. Directionally I understand the breakdown, but I don't understand what makes up the number.  Q. So you're unsure what unit is

	Page 245		Page 246
1	Q. And so it could be, for instance,	1	Q. And the same answer for the
2	bottles of Opana, correct?	2	30-milligram columns?
3	MS. MAHONEY: Objection.	3	A. Yes.
4	THE WITNESS: It's nonspecific.	4	Q. And the same answer for the
5	It could be bottles. It could be	5	40-milligram columns?
6	these could be extended units, pills, by	6	A. Yes.
7	some hundreds or thousands. It could be	7	Q. Do you know whether the direct
8	any number.	8	mailing campaign utilized the information from
9	Directionally I understand the	9	this spreadsheet to get its 10,000 prescribing
10	breakdown between the strengths.	10	doctors?
11	BY MR. MELAMED:	11	MS. MAHONEY: Objection.
12	Q. And is that the same do you	12	THE WITNESS: It appears that
13	have the same answer concerning the units listed	13	they are listed in descending order by
14	under the 7.5-milligram column?	14	highest prescribing to lowest
15	A. Yes, sir.	15	prescribing, and that's what we would
16	Q. And same answer for the	16	have used the names based on that.
17	10-milligram column, columns, there's two?	17	BY MR. MELAMED:
18	A. Yes.	18	Q. So is it your belief that this is
19	Q. And the same answer for the	19	the information that was used to I'm sorry,
20	15-milligram columns?	20	let me withdraw that.
21	A. Yes, sir.	21	Is it your belief that the
22	Q. And same answer for the	22	individuals listed on this spreadsheet were the
23	20-milligram columns?	23	individuals targeted for the direct mailing
24	A. Yes.	24	campaign that is discussed in the cover e-mail?
	Page 247		D 040
	rage 247		Page 248
1		1	
1 2	MS. MAHONEY: Objection. THE WITNESS: I believe so.	1 2	THE WITNESS: I believe that you are inferring to orders that would be of
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	Page 249		Page 250
1	resold illegally on the streets after it had	1	aware?
2	been prescribed, as a general matter?	2	MS. ZOLNER: Object to form.
3	MS. MAHONEY: Objection.	3	MS. MAHONEY: Objection.
4	THE WITNESS: I am not aware of	4	THE WITNESS: I am not aware of
5	that.	5	instances where Opana, generic Opana has
6	BY MR. MELAMED:	6	been sold illegally on the street.
7	Q. You are not currently aware of	7	BY MR. MELAMED:
8	that?	8	Q. Are you aware of any instances
9	MS. MAHONEY: Objection, asked	9	where branded Opana has been sold illegally on
10	and answered.	10	the street?
11	THE WITNESS: I am not aware of	11	MS. MAHONEY: Objection.
12	that.	12	THE WITNESS: No, I am not.
13	BY MR. MELAMED:	13	BY MR. MELAMED:
14	Q. And is that I'm just trying to	14	Q. Are you aware of any instances
15	flesh out and make sure I understand, does that	15	where let me withdraw this.
16	mean you were never at any time prior to today	16	Do you understand what is meant
17	aware of that?	17	by the term pill mill?
18	MS. MAHONEY: Objection.	18	A. I believe I have a colloquial
19	THE WITNESS: No.	19	understanding of that phrase.
20	BY MR. MELAMED:	20	Q. What is your colloquial
21	Q. I don't want to belabor the	21	understanding of that phrase?
22	point. When you say "no," does it mean you are	22	A. I believe it to be clinics or
23	not aware, or does it mean that you were	23	doctors who are inappropriately dispensing or
24	answering my question that you were, in fact,	24	prescribing a product.
	,		F
	Page 251		D 0F0
	1490 231		Page 252
1	Q. Are you aware of any pill mills	1	to oxymorphone concerning pill mills?
1 2		1 2	
	Q. Are you aware of any pill mills		to oxymorphone concerning pill mills?
2	Q. Are you aware of any pill mills that were inappropriately dispensing	2	to oxymorphone concerning pill mills?  MS. ZOLNER: Objection, form.
2	Q. Are you aware of any pill mills that were inappropriately dispensing oxymorphone?	2 3	to oxymorphone concerning pill mills?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.
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2 3 4 5	<ul><li>Q. Are you aware of any pill mills that were inappropriately dispensing oxymorphone?</li><li>A. No, I am not.</li><li>Q. And that is for all time, you</li></ul>	2 3 4 5	to oxymorphone concerning pill mills?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.  THE WITNESS: Yes, I have not read any articles specific.
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	Page 253		Page 254
1	THE WITNESS: Thank you.	1	A. No.
2	MR. MELAMED: We'll do another	2	Q. Do you have any reason to believe
3	document	3	that you did not receive the e-mails that were
4	THE WITNESS: Water.	4	sent to David Myers on this exhibit?
5	MR. MELAMED: and I'll check	5	A. No.
6	in and take a break. That makes sense.	6	Q. These e-mails concern your work
7	MS. MAHONEY: Thank you, Matt.	7	at Actavis, correct?
8	MR. MELAMED: We are all human	8	MS. MAHONEY: Objection.
9	beings.	9	THE WITNESS: I believe so.
10	(Document marked for	10	BY MR. MELAMED:
11	identification as Myers Deposition	11	Q. Again, they're not personal,
12	Exhibit No. 16.)	12	right?
13	BY MR. MELAMED:	13	MS. MAHONEY: Objection.
14	Q. Exhibit 16. Exhibit 16 is an	14	THE WITNESS: No. Some of the
15	e-mail exchange, the most recent in time being	15	language is personal between a close
16	from David Myers to Karen Stoedter on July 19th,	16	colleague.
17	2011. It starts ALLERGAN_MDL_00505041 and	17	BY MR. MELAMED:
18	concludes on 5044.	18	Q. But even the and I assume
19	Do you recognize this document,	19	you're referring to the first paragraph
20	this e-mail exchange?	20	A. Yes.
21	A. No.	21	Q in the entire e-mail, correct?
22	Q. Do you have any reason to believe	22	A. Yes.
23	you did not send the e-mails that are that	23	Q. Even the personal language
24	indicate they are from David Myers?	24	between you and Ms. Stoedter concerns
	Page 255		Page 256
1	circumstances at work, right?	1	Q. Can you describe the purpose of
2	MS. MAHONEY: Objection.	2	those meetings?
3	THE WITNESS: Yes.	3	MS. MAHONEY: Objection.
4	BY MR. MELAMED:	4	THE WITNESS: Yes.
5	Q. I'd like you to turn to the first	l –	BY MR. MELAMED:
	Q. The line you to turn to the line.	5	DI WIK. WIELAWIED.
6	e-mail in this chain, which actually starts on	6	Q. And what is the purpose of
6 7	·		
7 8	e-mail in this chain, which actually starts on the second page of it at 5042. It's from Karen Stoedter to a large number of recipients. The	6	<ul><li>Q. And what is the purpose of</li><li>what was the purpose of those meetings?</li><li>A. The purpose of the meeting is</li></ul>
7 8 9	e-mail in this chain, which actually starts on the second page of it at 5042. It's from Karen Stoedter to a large number of recipients. The subject is "Recap of Sales/Marketing/Contracts	6 7 8 9	Q. And what is the purpose of what was the purpose of those meetings? A. The purpose of the meeting is typically every Monday morning, the commercial
7 8 9 10	e-mail in this chain, which actually starts on the second page of it at 5042. It's from Karen Stoedter to a large number of recipients. The subject is "Recap of Sales/Marketing/Contracts meeting - Monday, July 18th."	6 7 8 9 10	Q. And what is the purpose of what was the purpose of those meetings? A. The purpose of the meeting is typically every Monday morning, the commercial team, which would be members of the sales team,
7 8 9 10 11	e-mail in this chain, which actually starts on the second page of it at 5042. It's from Karen Stoedter to a large number of recipients. The subject is "Recap of Sales/Marketing/Contracts meeting - Monday, July 18th."  Do you recall reading this e-mail	6 7 8 9 10 11	Q. And what is the purpose of what was the purpose of those meetings? A. The purpose of the meeting is typically every Monday morning, the commercial team, which would be members of the sales team, the marketing group and our contracts pricing
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7 8 9 10 11 12 13	e-mail in this chain, which actually starts on the second page of it at 5042. It's from Karen Stoedter to a large number of recipients. The subject is "Recap of Sales/Marketing/Contracts meeting - Monday, July 18th."  Do you recall reading this e-mail prior to today?  A. From the conversation in the	6 7 8 9 10 11 12 13	Q. And what is the purpose of what was the purpose of those meetings? A. The purpose of the meeting is typically every Monday morning, the commercial team, which would be members of the sales team, the marketing group and our contracts pricing people would get on a conference call, and we would talk orders of business for the week,
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	Page 257		Page 258
1	not specific to opioids at all.	1	Q. Sure?
2	BY MR. MELAMED:	2	A now that I've read it. Thank
3	Q. Were these meetings specific to	3	you.
4	generic drugs?	4	Q. Yes. I'm going to start from the
5	A. Yes.	5	beginning of the paragraph instead of jumping to
6	Q. Were brand name drugs discussed	6	the middle.
7	at these meetings?	7	A. Okay.
8	A. Rarely, if at all.	8	Q. Beginning of the paragraph Karen
9	Q. So the first paragraph is titled	9	wrote, "We successfully launched oxymorphone on
10	"Oxymorphone."	10	Friday, July 15th with over 75% market share."
11	Do you see that in Karen's	11	Do you know what time period that
12	e-mail?	12	75% market share reflected?
13	A. Yes.	13	MS. MAHONEY: Objection.
14	Q. And in the middle of the	14	THE WITNESS: I do not.
15	paragraph it says, "We have a two-way direct	15	BY MR. MELAMED:
16		16	Q. How do you understand the
17	mail campaign to the top 10 prescribing physicians."	17	sentence that she wrote, that first sentence?
18		18	MS. MAHONEY: Objection.
	Do you see that?	19	THE WITNESS: I believe it's a
19	A. Can I read the paragraph?	20	
20	Q. Yes.	21	misinterpretation of market share. We
21	A. Thank you.	22	did not obtain 75% market share on day
22	(Witness reviews document.)		one of launch. I believe it may have
23	Okay. Can you repeat your	23	been an estimate based on the number of
24	question	24	orders we shipped and what that
	Page 259		Page 260
		l	_
1	represented in market share, but that	1	
1 2	represented in market share, but that really wasn't our market share.	1 2	believe may have been the units that we
	represented in market share, but that really wasn't our market share.  BY MR. MELAMED:		
2	really wasn't our market share. BY MR. MELAMED:	2	believe may have been the units that we shipped on day one to fill the pipeline at our at wholesalers and
2 3	really wasn't our market share.  BY MR. MELAMED:  Q. Okay. Am I correct that you're	2 3	believe may have been the units that we shipped on day one to fill the pipeline
2 3 4	really wasn't our market share.  BY MR. MELAMED:  Q. Okay. Am I correct that you're saying that it was a projection of potential	2 3 4	believe may have been the units that we shipped on day one to fill the pipeline at our at wholesalers and distributors may have been equal to one
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	Page 261		Page 262
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1	MS. MAHONEY: Objection.	1	Q. If we skip a sentence, the fourth
2	THE WITNESS: Could you ask the	2	sentence, I believe, says, "The Kadian team will
3	question again. I'm sorry.	3	be training with Ara next Monday so they will be
4	BY MR. MELAMED:	4	able to bring the doctors they normally visit up
5	Q. I'm trying to figure out what the	5	to speed on generic option and also deliver the
6	\$1.4 million refers to. It says in orders to	6	direct mailing materials that you all receive at
7	UPS.	7	the trade show."
8	Are those sales?	8	Do you understood the do you
9	A. Yes.	9	understand the reference to the generic option
10	Q. Are those drugs that Actavis had	10	in that sentence?
11	sold in that time period?	11	A. Yes.
12	A. Those are Acta those are	12	Q. Is that to the availability of
13	orders, the value of orders that had been	13	generic oxymorphone?
14	shipped to drug wholesalers and to distributors,	14	A. Yes.
15	retailers, our whole whoever was buying from	15	Q. And does this sentence reflect
16	us. It's not to patients or dispensing.	16	if you recall earlier that we looked at a
17	Q. Fair enough. So, again, correct	17	document about the promotional plan for
18	me if I'm wrong, my understanding of what you're	18	oxymorphone on its launch?
19	saying is that before lunchtime on the first day	19	A. Yes.
20	of sales, Actavis had orders of oxymorphone	20	Q. And one of the elements was using
21	from Actavis had equaled \$1.4 million?	21	the Kadian sales team, correct?
22	A. Yes.	22	MS. ZOLNER: Objection, form.
23	MS. MAHONEY: Objection.	23	THE WITNESS: Yes.
24	BY MR. MELAMED:	24	BY MR. MELAMED:
	Page 263		Page 264
1	Q. Does this sentence reflect that	1	Q. And do you understand the
2	effort?	2	reference to the receipt of those direct mailing
3	MS. MAHONEY: Objection.	3	materials at the trade show?
4	MS. ZOLNER: Objection, form.	4	A. Yes, I believe I do.
5	Objection, foundation.	5	Q. Do you know what trade show she
6	THE WITNESS: I believe it	6	was talking about?
7	reflects a preparation of the Kadian	7	A. That's the piece I don't
8	team to potentially deliver that.	8	understand.
9	BY MR. MELAMED:	9	Q. Okay. Do you recall there being
10			, , , , , , , , , , , , , , , , , , ,
Τ 0	O. Okay. So is the Kadian team also	10	a trade show where Actavis introduced
11	Q. Okay. So is the Kadian team also tasked did you let me withdraw that.	11	
	tasked did you let me withdraw that.		oxymorphone?
11 12	tasked did you let me withdraw that.  Did you understand that the	11	oxymorphone?  MS. MAHONEY: Objection.
11 12 13	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with	11 12 13	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.
11 12 13 14	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with delivering the direct mailing materials that	11 12 13 14	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:
11 12 13 14 15	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?	11 12 13 14 15	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are
11 12 13 14 15 16	tasked did you let me withdraw that.  Did you understand that the Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.	11 12 13 14 15 16	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to
11 12 13 14 15 16	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.	11 12 13 14 15 16 17	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and
11 12 13 14 15 16 17	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:	11 12 13 14 15 16 17 18	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."
11 12 13 14 15 16 17 18	tasked did you let me withdraw that.  Did you understand that the Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. Are those the direct mailing	11 12 13 14 15 16 17 18 19	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."  Do you see that?
11 12 13 14 15 16 17 18 19 20	tasked did you let me withdraw that.  Did you understand that the Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. Are those the direct mailing materials that were sent to the top 10,000	11 12 13 14 15 16 17 18 19 20	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."  Do you see that?  A. Yes.
11 12 13 14 15 16 17 18 19 20 21	tasked did you let me withdraw that.  Did you understand that the Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. Are those the direct mailing materials that were sent to the top 10,000 prescribing doctors of Opana ER?	11 12 13 14 15 16 17 18 19 20 21	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."  Do you see that?  A. Yes.  Q. That describes the motivation for
11 12 13 14 15 16 17 18 19 20 21 22	tasked did you let me withdraw that.  Did you understand that the  Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. Are those the direct mailing materials that were sent to the top 10,000 prescribing doctors of Opana ER?  MS. ZOLNER: Objection, form.	11 12 13 14 15 16 17 18 19 20	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."  Do you see that?  A. Yes.  Q. That describes the motivation for the advertising campaign for oxymorphone; is
11 12 13 14 15 16 17 18 19 20 21	tasked did you let me withdraw that.  Did you understand that the Kadian sales team would also be tasked with delivering the direct mailing materials that everyone will receive at the trade show?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. MELAMED:  Q. Are those the direct mailing materials that were sent to the top 10,000 prescribing doctors of Opana ER?	11 12 13 14 15 16 17 18 19 20 21 22	oxymorphone?  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. The next sentence states, "We are focusing on creating awareness and want to target physicians to continue to write and increase their scripts."  Do you see that?  A. Yes.  Q. That describes the motivation for

	Page 265		Page 266
1	THE WITNESS: This sentence is	1	top 10 prescribing physicians.
2	vague and was written by a person who is	2	Do you see that?
3	not a product manager.	3	A. Yes.
4	BY MR. MELAMED:	4	Q. Do you believe that number 10 to
5	Q. How do you understand that	5	be an error?
6	sentence?	6	A. I believe there are a couple
7	A. I understand the objective behind	7	errors in this sentence.
8	the sentence.	8	Q. Can you identify the errors for
9	Q. What is your understanding of the	9	me?
10	objective behind the sentence?	10	A. To the top 10 prescribing
11	A. That physicians were targeted to	11	physicians would be a very minimal marketing
12	receive the information to let them know that	12	campaign, and, also, I think it represents that
13	the 7.5 mg and 15 mg was approved and available	13	how she does not understand the marketing aspect
14	for patients that they felt were appropriate to	14	and was a note taker from this meeting. She
15	receive those strengths.	15	says two way and not two wave.
16	Q. You said that Karen is not a	16	Q. Okay. Do you understand this
17	product manager, correct?	17	sentence to be referring to a discussion of the
18	A. Yes.	18	direct mail campaign we discussed earlier?
19	Q. What was her role?	19	A. Yes.
20	A. Karen's main role was manager of	20	Q. And so it was 10,000 physicians
21	forecasting, but she was part of the commercial	21	who were targeted?
22	team in that role.	22	MS. MAHONEY: Objection.
23	Q. The next couple sentences	23	THE WITNESS: Yes.
24	describe a two-way direct mail campaign to the	24	BY MR. MELAMED:
	- 065		
	Page 267		Page 268
1		1	
1 2	Q. And it was a they would be	1 2	Page 268 generic."  Do you see that?
			generic."
2	Q. And it was a they would be targeted in two separate communications over	2	generic."  Do you see that?
2 3	Q. And it was a they would be targeted in two separate communications over time, correct?	2	generic."  Do you see that?  MS. MAHONEY: Objection.
2 3 4	<ul><li>Q. And it was a they would be targeted in two separate communications over time, correct?</li><li>A. I believe it to be two waves of</li></ul>	2 3 4	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.
2 3 4 5	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.	2 3 4 5	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:
2 3 4 5 6	<ul> <li>Q. And it was a they would be targeted in two separate communications over time, correct?</li> <li>A. I believe it to be two waves of the same communication.</li> <li>Q. Two waves of the same</li> </ul>	2 3 4 5 6	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the
2 3 4 5 6 7	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that	2 3 4 5 6 7	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to
2 3 4 5 6 7 8	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?	2 3 4 5 6 7 8	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by
2 3 4 5 6 7 8	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.	2 3 4 5 6 7 8	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?
2 3 4 5 6 7 8 9	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says,	2 3 4 5 6 7 8 9	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.
2 3 4 5 6 7 8 9 10	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."	2 3 4 5 6 7 8 9 10	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant
2 3 4 5 6 7 8 9 10 11	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.	2 3 4 5 6 7 8 9 10 11	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to
2 3 4 5 6 7 8 9 10 11 12 13	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having	2 3 4 5 6 7 8 9 10 11 12 13	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a	2 3 4 5 6 7 8 9 10 11 12 13 14	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their	2 3 4 5 6 7 8 9 10 11 12 13 14 15	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Do you see that? MS. MAHONEY: Objection. THE WITNESS: I do. BY MR. MELAMED: Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis? A. I do. Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients? A. I believe that to be an error. Q. What do you believe to be the error in that sentence?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Do you see that? MS. MAHONEY: Objection. THE WITNESS: I do. BY MR. MELAMED: Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis? A. I do. Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients? A. I believe that to be an error. Q. What do you believe to be the error in that sentence? A. I don't believe that wholesalers
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the error in that sentence?  A. I don't believe that wholesalers and chains have direct contacts to doctors or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that, yes.  Q. The next sentence, acknowledging	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the error in that sentence?  A. I don't believe that wholesalers and chains have direct contacts to doctors or patients.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that, yes.  Q. The next sentence, acknowledging these are notes	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	peneric."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the error in that sentence?  A. I don't believe that wholesalers and chains have direct contacts to doctors or patients.  Q. Do you recall working with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that, yes.  Q. The next sentence, acknowledging these are notes  A. Right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	peneric."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the error in that sentence?  A. I don't believe that wholesalers and chains have direct contacts to doctors or patients.  Q. Do you recall working with wholesalers or chains to promote oxymorphone?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And it was a they would be targeted in two separate communications over time, correct?  A. I believe it to be two waves of the same communication.  Q. Two waves of the same communication to each of the 10,000; is that correct?  A. Yes.  Q. If you skip a sentence, it says, "We have booked Pharmacy Times (Aug)."  A. Mm-hmm.  Q. Is that a reference to having booked an advertis advertising space in a periodical called Pharmacy Times for their August issue?  A. I believe that represents that, yes.  Q. The next sentence, acknowledging these are notes  A. Right.  Q it says, "and will work with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	generic."  Do you see that?  MS. MAHONEY: Objection.  THE WITNESS: I do.  BY MR. MELAMED:  Q. Do you see that to utilize the generic, do you understand that to mean to utilize generic oxymorphone being sold by Actavis?  A. I do.  Q. Do you understand what is meant by work with major wholesalers and chains to target doctors and patients?  A. I believe that to be an error.  Q. What do you believe to be the error in that sentence?  A. I don't believe that wholesalers and chains have direct contacts to doctors or patients.  Q. Do you recall working with wholesalers or chains to promote oxymorphone?  A. I don't remember specific

	Page 269		Page 270
-		1	
1	wholesalers and chains to promote other drugs at	1	MR. JOHNSON: Objection to form.
2	Actavis?	2	THE WITNESS: No.
3	A. From time to time.	3	BY MR. MELAMED:
4	Q. Can you describe how, as a	4	Q. Do you know whether well, what
5	general matter, you worked with wholesalers and	5	is meant what is referred to by chains here?
6	chains to promote generic drugs?	6	Do you understand what is referred to by chains
7	MS. ZOLNER: Objection, form.	7	in this sentence?
8	MS. MAHONEY: Objection.	8	A. National or regional drug chains.
9	THE WITNESS: Wholesalers and	9	Q. Do you know if national or
10	chains could have fliers or leaflets	10	regional drug chains at any point provided any
11	that they send out to their member	11	information about Actavis' drugs to their
12	customers, customers being pharmacies.	12	customers other than mere availability?
13	Chains may have newsletters out from	13	MS. MAHONEY: Objection.
14	their corporate office down to their	14	THE WITNESS: No.
15	pharmacies, and we may have, you know,	15	BY MR. MELAMED:
16	made product availability announcements	16	Q. When you're saying "no," it's you
17	in those.	17	don't know; is that correct?
18	BY MR. MELAMED:	18	A. I don't know.
19	Q. Do you know if wholesalers	19	Q. Okay. Do you see the next
20	communicated anything more to their customers	20	sentence says, "The sales team can be helpful in
21	than your product availability concerning any of	21	driving this to get reasonable feedback from
22	Actavis' drugs at any time?	22	customers over several weeks to see if the
23 24	MS. ZOLNER: Objection to form.	23	demand has increased or maintained," I'll stop
24	MS. MAHONEY: Objection.	24	there, the sentence continues.
	Page 271		Page 272
	5		
1	A I at ma read just a little back	1	
1	A. Let me read just a little back.	1	effort to get reasonable feedback from customers
2	Q. Sure.	2	effort to get reasonable feedback from customers regarding oxymorphone's launch?
2 3	<ul><li>Q. Sure.</li><li>A. (Witness reviews document.)</li></ul>	2 3	effort to get reasonable feedback from customers regarding oxymorphone's launch?  MS. MAHONEY: Objection.
2 3 4	<ul><li>Q. Sure.</li><li>A. (Witness reviews document.)</li><li>Yes.</li></ul>	2 3 4	effort to get reasonable feedback from customers regarding oxymorphone's launch?  MS. MAHONEY: Objection.  THE WITNESS: I don't believe
2 3 4 5	<ul><li>Q. Sure.</li><li>A. (Witness reviews document.)</li><li>Yes.</li><li>Q. Do you recall whether the sales</li></ul>	2 3 4 5	effort to get reasonable feedback from customers regarding oxymorphone's launch?  MS. MAHONEY: Objection.  THE WITNESS: I don't believe there was a formalized system for doing
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Sure. A. (Witness reviews document.) Yes. Q. Do you recall whether the sales team ever did get feedback from customers over the next several weeks to see if demand for oxymorphone had increased or maintained? A. I don't recall specifically, but it's quite possible. Q. Do you know who would have led the effort on the sales team to compile that feedback? MS. MAHONEY: Objection. MS. ZOLNER: Objection to form. THE WITNESS: No. If there was feedback, it would have been the individual salesperson that represents or had contact with that assigned account. BY MR. MELAMED: Q. And you don't know whether there	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	effort to get reasonable feedback from customers regarding oxymorphone's launch?  MS. MAHONEY: Objection.  THE WITNESS: I don't believe there was a formalized system for doing that.  BY MR. MELAMED:  Q. The end of that sentence talks about evaluating doing what we've just talked about and "evaluating the effectiveness of our marketing campaign."  Do you see that?  A. Yes.  Q. Do you recall any work done to measure the effectiveness of Actavis' marketing campaign around the launch of generic oxymorphone?  A. I remember personally putting reports together that stated sales, our sales out and comparing that to prescriptions and monitoring different aspects of the of the launch.

	Page 273		Page 274
1	MS. MAHONEY: Objection.	1	BY MR. MELAMED:
2	THE WITNESS: Yes.	2	Q. Do you recall whether you
3	BY MR. MELAMED:	3	provided those reports to Mr. Perfetto?
4	Q. About how frequently did you	4	A. I don't specifically recall, but
5	compile them?	5	it would be likely that I would, as he was the
6	MS. ZOLNER: Objection, form.	6	head of sales.
7	THE WITNESS: I'm not sure, but I	7	Q. Is there anybody else you can
8	think about once a month.	8	think of who you would likely have provided
9	BY MR. MELAMED:	9	those reports to?
10	Q. Did anybody request that you	10	MS. ZOLNER: Objection, form.
11	provide those reports?	11	THE WITNESS: It's possible I
12	A. I believe the I believe they	12	could have provided them to other
13	were requested by one of two people, either the	13	members of our sales team, although just
14	vice president of sales, Michael Perfetto or the	14	for informational purposes for them.
15	director of marketing, Jinping McCormick.	15	They weren't really in a capacity to
16	Q. Do you recall whether you	16	impact sales at that point.
17	provided those evaluations to Ms. McCormick when	17	BY MR. MELAMED:
18	they were complete?	18	Q. Go to the next section. It says
19	MS. MAHONEY: Objection.	19	"Our Focus," and the first sentence says "Sales
20	MS. ZOLNER: Objection, form.	20	for the month - \$20.3 vs. \$46.4."
21	THE WITNESS: I don't	21	Do you see that?
22	specifically remember sending them to	22	A. Yes.
23	her, but it would be likely that I did,	23	Q. Are those figures do those
24	as she was my supervisor.	24	figures reflect \$20.3 million versus
	Page 275		Page 276
1			
_	\$46.4 million?	1	A. Repeat, please.
2	A. I believe so.	1 2	<ul><li>A. Repeat, please.</li><li>Q. Was there a standard set of</li></ul>
2	<ul><li>A. I believe so.</li><li>Q. The third sentence states, "We need to get additional traction on fentanyl."</li></ul>	2	Q. Was there a standard set of
2 3	<ul><li>A. I believe so.</li><li>Q. The third sentence states, "We</li></ul>	2	Q. Was there a standard set of actions that were then undertaken in the effort
2 3 4	<ul><li>A. I believe so.</li><li>Q. The third sentence states, "We need to get additional traction on fentanyl."</li></ul>	2 3 4	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of
2 3 4 5	<ul> <li>A. I believe so.</li> <li>Q. The third sentence states, "We need to get additional traction on fentanyl."</li> <li>Do you see that?</li> <li>A. Yes.</li> <li>Q. Do you recall an effort to get</li> </ul>	2 3 4 5	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for
2 3 4 5 6	<ul> <li>A. I believe so.</li> <li>Q. The third sentence states, "We need to get additional traction on fentanyl."</li> <li>Do you see that?</li> <li>A. Yes.</li> <li>Q. Do you recall an effort to get additional traction on fentanyl around</li> </ul>	2 3 4 5 6	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions,
2 3 4 5 6 7 8	<ul> <li>A. I believe so.</li> <li>Q. The third sentence states, "We need to get additional traction on fentanyl."  Do you see that?</li> <li>A. Yes.</li> <li>Q. Do you recall an effort to get additional traction on fentanyl around July 2011?</li> </ul>	2 3 4 5 6 7	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on
2 3 4 5 6 7 8	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection.	2 3 4 5 6 7 8	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.
2 3 4 5 6 7 8 9 10	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection. THE WITNESS: I recall marketing	2 3 4 5 6 7 8 9 10	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.  Q. About two-thirds of the way down
2 3 4 5 6 7 8 9 10 11	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection. THE WITNESS: I recall marketing campaigns. I don't recall if they if	2 3 4 5 6 7 8 9 10 11	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.  Q. About two-thirds of the way down the part of the paragraph reflected on this
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2 3 4 5 6 7 8 9 10 11 12 13 14	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection. THE WITNESS: I recall marketing campaigns. I don't recall if they if the time corresponds to this time of this document.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.  Q. About two-thirds of the way down the part of the paragraph reflected on this page, on 505 I'm sorry 5042, there's a sentence that says, "There may be opportunity to
2 3 4 5 6 7 8 9 10 11 12 13 14	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection. THE WITNESS: I recall marketing campaigns. I don't recall if they if the time corresponds to this time of this document. BY MR. MELAMED:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.  Q. About two-thirds of the way down the part of the paragraph reflected on this page, on 505 I'm sorry 5042, there's a sentence that says, "There may be opportunity to pick up additional oxycodone since there
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I believe so. Q. The third sentence states, "We need to get additional traction on fentanyl." Do you see that? A. Yes. Q. Do you recall an effort to get additional traction on fentanyl around July 2011? MS. MAHONEY: Objection. THE WITNESS: I recall marketing campaigns. I don't recall if they if the time corresponds to this time of this document. BY MR. MELAMED: Q. Were there other instances do you recall other instances at Actavis where you needed to get additional traction on the sales	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Was there a standard set of actions that were then undertaken in the effort to get additional traction on those generic drugs?  A. It wasn't a standard set of actions. It was basically a guideline for understanding your business and taking actions, and those actions could be different based on the particular situation for that product.  Q. About two-thirds of the way down the part of the paragraph reflected on this page, on 505 I'm sorry 5042, there's a sentence that says, "There may be opportunity to pick up additional oxycodone since there continues to be shortages in the marketplace."  Do you see that?  A. Yes.
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	Page 277		Page 278
1	page of this exhibit, you and Karen exchange	1	Q. Do you have any understanding of
2	e-mails about the process of taking notes at	2	why you used the song White Rabbit as an
3	these meetings, correct?	3	example?
4	A. Yes.	4	A. I can give you the background on
5	Q. And your final e-mail talks about	5	the conversation.
6	how individuals who take notes may compete to	6	Q. Sure.
7	one up each other; is that right?	7	A. Jinping is a brilliant woman, and
8	A. Yes.	8	it was known that when Jinping would with two
9	Q. And you talk about I assume	9	people or three people did something, Jinping
10	humorously talk about	10	would also would always be a little bit
11	A. Yes.	11	above, a little bit greater. She was a little
12	Q playing music when someone	12	extra, and so others would strive to bring their
13	opens your summary e-mail, correct?	13	game up to the level of her expertise, and so it
14	MS. MAHONEY: Objection.	14	was a joke on that unspoken competition, so to
15	THE WITNESS: Yes.	15	speak. She was the person to whose performance
16	BY MR. MELAMED:	16	to aspire to. So that's what the competition
17	Q. And then you say something	17	that I'm discussing is.
18	pharmaceutical in quotes?	18	So the White Rabbit was not a
19	A. I see that that's written there,	19	joke pertaining to opioids, although I can see
20	yes.	20	how you would think that here, but we are in the
21	Q. And you reference the song White	21	pharmaceutical industry, and this was a joke
22	Rabbit.	22	internally between two colleagues who share a
23	Do you see that?	23	warm friendship.
24	A. I do.	24	Q. Was there anything about the
	Page 279		Page 280
1	lyric to White Rabbit that had anything to do	1	marked Exhibit 17, which is an e-mail and an
2	that you quote that had anything to do with any	2	attachment. The e-mail is from David Myers to
3	of Actavis' products?	3	Ara Aprahamian on July 22nd, 2011. Subject is
4	A. No, it had to do with my	4	"Oxymorphone training to Kadian sales team," and
5	knowledge of contemporary music.	5	then there's an attachment. There are two. The
6	MS. MAHONEY: Only some of us in	6	Bates range is ALLERGAN_MDL_00504974 through
7	the room think that's contemporary	7	4994.
8	music.	8	Do you recognize this document?
9	THE WITNESS: Well, at my age	9	A. No.
10	it's contemporary. At one time it was	10	Q. Do you have any reason to believe
11	contemporary.	11	that you did not send this e-mail and the
12	MR. MELAMED: It is true that at	12	attachment to it?
13	one time that's what was contemporary.	13	A. No, sir.
14	Why don't we go off the record.	14	Q. And sending this e-mail and this
15	THE VIDEOGRAPHER: The time is	15	attachment was part of your duties at Actavis?
16	2:47 p.m. We're going off the record.	16	A. Yes.
17	(Brief recess.)	17	Q. You referenced we've discussed
	(Document marked for	18	before earlier today that Actavis would use its
18	,	19	Kadian sales team to inform doctors about the
	Identification as lyivers Deposition	1 1	
19	identification as Myers Deposition Exhibit No. 17.)	20	availability of generic oxymorphone, correct?
19 20	Exhibit No. 17.)	20	availability of generic oxymorphone, correct?  MS. MAHONEY: Objection.
19 20 21	Exhibit No. 17.) THE VIDEOGRAPHER: The time is	21	MS. MAHONEY: Objection.
19 20 21 22	Exhibit No. 17.)  THE VIDEOGRAPHER: The time is 3:03 p.m., and we're back on the record.		MS. MAHONEY: Objection. THE WITNESS: Yes.
19 20 21	Exhibit No. 17.) THE VIDEOGRAPHER: The time is	21 22	MS. MAHONEY: Objection.

	Page 281		Page 282
1	write that the attached slide deck is approved	1	A. I do not know. I wasn't at this
2	for Monday's presentation to the Kadian sales	2	training.
3	team.	3	Q. Do you know, referring back to
4	Do you see that?	4	the e-mail, the first line says, "The attached
5	A. Yes.	5	slide deck is approved for use in Monday's
6	Q. And if you turn to the first page	6	presentation," do you know who approved it?
7	of the presentation, which is at Bates number	7	A. I believe it would have been
8	ending 4976, it states "Introduction of	8	the routed for full approval like all
9	Oxymorphone Hydrochloride Extended-Release	9	advertising and training documents. I don't
10	Tablets, CII Sales Training Class."	10	remember specific people.
11	Do you see that?	11	Q. Okay. You can put that exhibit
12	A. Yes, I do.	12	aside.
13	Q. Is this the training that was	13	(Document marked for
14	provided to the Kadian sales team about	14	identification as Myers Deposition
15	introducing oxymorphone to doctors?	15	Exhibit No. 18.)
16	MS. MAHONEY: Objection.	16	BY MR. MELAMED:
17	THE WITNESS: I believe so.	17	Q. I'm handing you what's been
18	BY MR. MELAMED:	18	marked as Exhibit 18.
19	Q. Is that the purpose for which	19	Exhibit 18 is an e-mail from
20	this was approved?	20	Rachelle Galant to Mike Diblasi and cc'ing
21	A. I believe so.	21	Mr. Myers and others, sent August 2nd, 2011.
22	Q. Do you know whether this was	22	Subject is Marketing SIOP August 3, 2011
23	actually this presentation was ever given to	23	PowerPoint, and it attaches a PowerPoint
24	the Kadian sales team?	24	document called "Quarterly SIOP - Marketing
	Page 283		Page 284
1	August 3rd, 2011." The Bates range for this	1	A. Not specifically.
2	document is ALLERGAN_MDL_00504796 through 4815.	2	Q. Do you recall generally attending
3	Do you recognize this e-mail and		
		3	quarterly SIOP marketing meetings?
4	the attached PowerPoint presentation?	3 4	A. Yes.
4 5			A. Yes. Q. Where were they?
	the attached PowerPoint presentation?  A. No, I do not.  Q. Do you have any reason to believe	4 5 6	<ul><li>A. Yes.</li><li>Q. Where were they?</li><li>A. In our offices in New Jersey.</li></ul>
5	the attached PowerPoint presentation?  A. No, I do not.	4 5	<ul><li>A. Yes.</li><li>Q. Where were they?</li><li>A. In our offices in New Jersey.</li><li>Q. In Parsippany?</li></ul>
5 6	the attached PowerPoint presentation?  A. No, I do not.  Q. Do you have any reason to believe	4 5 6	<ul><li>A. Yes.</li><li>Q. Where were they?</li><li>A. In our offices in New Jersey.</li></ul>
5 6 7	the attached PowerPoint presentation?  A. No, I do not.  Q. Do you have any reason to believe that you did not receive these from Rachelle	4 5 6 7 8 9	<ul> <li>A. Yes.</li> <li>Q. Where were they?</li> <li>A. In our offices in New Jersey.</li> <li>Q. In Parsippany?</li> <li>A. I think at the time we were in Morristown.</li> </ul>
5 6 7 8	the attached PowerPoint presentation?  A. No, I do not.  Q. Do you have any reason to believe that you did not receive these from Rachelle Galant on or around August 2nd, 2011?	4 5 6 7 8	<ul> <li>A. Yes.</li> <li>Q. Where were they?</li> <li>A. In our offices in New Jersey.</li> <li>Q. In Parsippany?</li> <li>A. I think at the time we were in Morristown.</li> <li>Q. Okay. Do you recall who</li> </ul>
5 6 7 8 9	the attached PowerPoint presentation?  A. No, I do not.  Q. Do you have any reason to believe that you did not receive these from Rachelle Galant on or around August 2nd, 2011?  A. No.  Q. Do you know what SIOP stands for?  A. I don't remember.	4 5 6 7 8 9 10	A. Yes. Q. Where were they? A. In our offices in New Jersey. Q. In Parsippany? A. I think at the time we were in Morristown. Q. Okay. Do you recall who participated in those meetings?
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	Page 285		Page 286
1	in Exhibit 18?	1	00504574 and ends on 4584. I'm going to draw
2	A. I don't remember all of the	2	your attention to the first to the cover page
3	participants.	3	first, the e-mails.
4	Q. Does anybody stick out as not	4	Do you know who Sean Cunningham
5	for their absence from this e-mail?	5	was?
6	MS. ZOLNER: Objection, form.	6	MS. MAHONEY: Objection.
7	MS. MAHONEY: Objection.	7	THE WITNESS: Yes.
8	THE WITNESS: No.	8	BY MR. MELAMED:
9	MR. MELAMED: Okay. You can put	9	Q. Who was Sean Cunningham?
10	that aside.	10	MS. MAHONEY: Objection.
11	(Document marked for	11	THE WITNESS: He was a
12	identification as Myers Deposition	12	representative of a I believe a trade
13	Exhibit No. 19.)	13	journal.
14	BY MR. MELAMED:	14	BY MR. MELAMED:
15	Q. I'm handing you what's been	15	Q. Is Vertical Health the name of
16	marked Exhibit 19.	16	that trade journal?
17	Exhibit 19 is most recent in	17	A. No.
18	time is an e-mail from Jinping McCormick to Ara	18	Q. Do you recall receiving this
19	Aprahamian and Michael Perfetto and David Myers,	19	e-mail and article?
20	August 18th, 2011. Subject, forward, Opioid	20	A. No.
21	Article May PPM 2011, which forwards an e-mail	21	Q. Do you recognize the e-mail or
22	from Sean Cunningham, and then there is an	22	the article?
23	attachment thereto. The document starts at	23	A. No.
24	Bates number ALLERGAN_MDL_050 I'm sorry	24	Q. Do you have any reason to believe
24	Bates number ALLEROAN_MDL_030 1111 sorry		
	Page 287		Page 288
1	you did not receive the e-mail and article when	1	Q. Do you know whether this article
1 2	you did not receive the e-mail and article when they were forwarded to David Myers on or around	1 2	Q. Do you know whether this article was used as a detail piece or leave-behind by
	•		-
2	they were forwarded to David Myers on or around	2	was used as a detail piece or leave-behind by
2 3	they were forwarded to David Myers on or around August 18th, 2011?	2	was used as a detail piece or leave-behind by Actavis at any time?
2 3 4	they were forwarded to David Myers on or around August 18th, 2011?  A. No.	2 3 4	was used as a detail piece or leave-behind by Actavis at any time? MS. ZOLNER: Objection, form.
2 3 4 5	they were forwarded to David Myers on or around August 18th, 2011?  A. No.  Q. And this e-mail and article do	2 3 4 5	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.
2 3 4 5 6	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct?	2 3 4 5 6	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:
2 3 4 5 6 7	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No.	2 3 4 5 6 7	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question,
2 3 4 5 6 7 8	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at	2 3 4 5 6 7 8	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.
2 3 4 5 6 7 8	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct?  A. No. Q. They concern your work at Actavis?	2 3 4 5 6 7 8	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever
2 3 4 5 6 7 8 9	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes.	2 3 4 5 6 7 8 9	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?
2 3 4 5 6 7 8 9 10	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection.	2 3 4 5 6 7 8 9 10	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no.
2 3 4 5 6 7 8 9 10 11	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED:	2 3 4 5 6 7 8 9 10 11	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no.  Q. Do you know whether Actavis ever
2 3 4 5 6 7 8 9 10 11 12 13	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from	2 3 4 5 6 7 8 9 10 11 12 13	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no.  Q. Do you know whether Actavis ever used this article as a leave-behind?
2 3 4 5 6 7 8 9 10 11 12 13 14	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to	2 3 4 5 6 7 8 9 10 11 12 13 14	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no.
2 3 4 5 6 7 8 9 10 11 12 13 14	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your	2 3 4 5 6 7 8 9 10 11 12 13 14 15	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why
2 3 4 5 6 7 8 9 10 11 12 13 14 15	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or leave-behind."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for advertising and collateral marketing pieces.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or leave-behind."  Turning to the front page of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for advertising and collateral marketing pieces. She may have sent it to me for my review.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or leave-behind."  Turning to the front page of the attached article at 575, it's the title of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for advertising and collateral marketing pieces. She may have sent it to me for my review. Q. Did you do you recall
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	they were forwarded to David Myers on or around August 18th, 2011?  A. No. Q. And this e-mail and article do not concern personal communications, correct? A. No. Q. They concern your work at Actavis? A. Yes. MS. MAHONEY: Objection. BY MR. MELAMED: Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or leave-behind."  Turning to the front page of the attached article at 575, it's the title of the article is "Medications for Chronic Pain -	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for advertising and collateral marketing pieces. She may have sent it to me for my review.  Q. Did you do you recall discussing this with Jinping McCormick?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	they were forwarded to David Myers on or around August 18th, 2011?  A. No.  Q. And this e-mail and article do not concern personal communications, correct?  A. No.  Q. They concern your work at Actavis?  A. Yes.  MS. MAHONEY: Objection.  BY MR. MELAMED:  Q. If you look at the e-mail from Sean Cunningham, he states that he wanted to share this article "as it is relevant to your brand and could be a tool that your brand and have your reps use as a detail piece or leave-behind."  Turning to the front page of the attached article at 575, it's the title of the article is "Medications for Chronic Pain - Opioid Analgesics."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	was used as a detail piece or leave-behind by Actavis at any time?  MS. ZOLNER: Objection, form.  THE WITNESS: No.  BY MR. MELAMED:  Q. Just I asked a compound question, I just want to make sure I understand your no.  Do you know whether Actavis ever used this article as a detail piece?  A. I do not believe so, no. Q. Do you know whether Actavis ever used this article as a leave-behind?  A. I do not believe they did, no. Q. Do you have any understanding why Jinping McCormick forwarded this article to you?  A. Because I was responsible for advertising and collateral marketing pieces. She may have sent it to me for my review. Q. Did you do you recall discussing this with Jinping McCormick?  A. No, I don't.

	Page 289		Page 290
1	A. No.	1	MS. MAHONEY: Objection.
2	MS. MAHONEY: Objection.	2	THE WITNESS: I don't know if
3	THE WITNESS: No.	3	that exact quote was used in our
4	BY MR. MELAMED:	4	materials.
5	Q. If you turn to page the	5	BY MR. MELAMED:
6	pagination on the article is 112. It's at Bates	6	Q. The next sentence says, "With
7	number ending 4577. I want to just draw your	7	chronic opioid use, rates of abuse have been
8	attention to a couple of sentences. There's a	8	reported to range from 18% to 41%."
9	paragraph in the middle column that starts	9	Do you see that?
10	towards two-thirds of the way down the page	10	A. Yes, I see it.
11	that starts "chronic use of opioids."	11	Q. Do you know if there was a
12	Do you see that paragraph?	12	reference in any of the advertising materials
13	A. Yes.	13	you oversaw for Actavis opioids to rates of
14	Q. It's the first paragraph says,	14	abuse reported for chronic opioid use reported
15	"chronic use of opioids for non-cancer pain may	15	to range from 18% to 41%?
16	be associated with a risk for opioid abuse."	16	MS. ZOLNER: Objection to form.
17	Do you see that?	17	MS. MAHONEY: Objection.
18	A. I do.	18	THE WITNESS: Not that I recall.
19	Q. Do you know if the marketing	19	BY MR. MELAMED:
20	materials you oversaw the creation of for	20	Q. Further down the paragraph it
21	Actavis concerning any of its opioids contained	21	states, several factors or characteristics
22	a warning that chronic use of opioids for	22	associated with an increased risk for opioid
23	non-cancer pain may be associated with a risk	23	abuse have been identified, including younger
24	for opioid abuse?	24	age, multiple healthcare visits (greater than 20
	Page 291		
	Page 291		Page 292
1	per year), a history of nonopioid substance	1	Page 292 THE WITNESS: I do not know.
1 2		1 2	
	per year), a history of nonopioid substance		THE WITNESS: I do not know.
2	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving	2	THE WITNESS: I do not know. BY MR. MELAMED:
2	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days	2 3	THE WITNESS: I do not know. BY MR. MELAMED: Q. Do you know whether any of the
2 3 4	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status	2 3 4	THE WITNESS: I do not know. BY MR. MELAMED: Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting
2 3 4 5	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and	2 3 4 5	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned
2 3 4 5 6	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.	2 3 4 5 6	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.
2 3 4 5 6 7 8	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes. Q. Do you know whether any of the	2 3 4 5 6 7 8	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.
2 3 4 5 6 7 8 9	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation	2 3 4 5 6 7 8 9	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:
2 3 4 5 6 7 8 9 10	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of	2 3 4 5 6 7 8 9 10	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the
2 3 4 5 6 7 8 9 10 11	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk of opioid abuse due to younger	2 3 4 5 6 7 8 9 10 11	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation
2 3 4 5 6 7 8 9 10 11 12 13	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk of opioid abuse due to younger age?	2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of
2 3 4 5 6 7 8 9 10 11 12 13 14	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk of opioid abuse due to younger age?  MS. MAHONEY: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk for opioid abuse where patients
2 3 4 5 6 7 8 9 10 11 12 13 14 15	per year), a history of nonopioid substance abuse, a mental health diagnosis receiving I'm sorry, comma, receiving more than 200 days 210 days supply of opioids, marital status (separated, divorced, or single), and African-American race.  Do you see that?  A. Yes.  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk of opioid abuse due to younger age?  MS. MAHONEY: Objection. MS. ZOLNER: Objection, form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning Actavis opioids warned of increased risk for opioid abuse resulting from a history of nonopioid substance abuse?  MS. MAHONEY: Objection.  THE WITNESS: I do not know.  BY MR. MELAMED:  Q. Do you know whether any of the advertising materials you oversaw the creation of for Actavis concerning its opioids warned of increased risk for opioid abuse where patients had a mental health diagnosis?
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	Page 293		Page 294
1	MS. ZOLNER: Objection to form.	1	other whether the advertising you oversaw
2	MS. MAHONEY: Objection.	2	concerning Actavis opioids included warnings as
3	THE WITNESS: I do not know.	3	to any of those factors; is that correct?
4	BY MR. MELAMED:	4	MS. MAHONEY: Objection.
5		5	THE WITNESS: I do not recall if
6	Q. Do you know whether any of the advertising materials you oversaw the creation	6	it included those warnings for those
7	of for Actavis concerning its opioids warned of	7	exact.
8	increased risk of opioids opioid abuse due to	8	BY MR. MELAMED:
9	marital status being separated, divorced or	9	Q. In your opinion, should such
10	single?	10	warnings have been included in Actavis
11	_	11	advertising for its opioids?
12	MS. MAHONEY: Objection. THE WITNESS: I do not know.	12	MS. MAHONEY: Objection.
13		13	MS. ZOLNER: Objection, form,
14	BY MR. MELAMED:	14	foundation.
	Q. Do you know whether any of the		THE WITNESS: That's outside of
15	advertising materials you oversaw the creation	15	
16	of for Actavis concerning its opioids warned of	16	my scope of expertise.
17	increased risk of opioid abuse for patients who	17	BY MR. MELAMED:
18	are African-American?	18	Q. So you have no opinion either way
19	MS. MAHONEY: Objection.	19	whether such warnings should have been included?
20	MS. ZOLNER: Objection to form.	20	MS. MAHONEY: Objection.
21	THE WITNESS: I do not know.	21	MS. ZOLNER: Objection, form.
22	BY MR. MELAMED:	22	THE WITNESS: I have no opinion
23	Q. For each of those when you say	23	on that. It's not I'm not the
24	you don't know, you don't recall one way or the	24	subject matter expert on that.
	Page 295		Page 296
			rage 290
1	BY MR. MELAMED:	1	
1 2		1 2	Q. Do you know the opioid to which that family member is addicted?
	BY MR. MELAMED:		Q. Do you know the opioid to which that family member is addicted?
2	BY MR. MELAMED:  Q. Are you aware of a current opioid	2	Q. Do you know the opioid to which that family member is addicted?  MS. MAHONEY: Objection.
2 3	BY MR. MELAMED:  Q. Are you aware of a current opioid addiction crisis in the United States?	2 3	Q. Do you know the opioid to which that family member is addicted?
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2 3 4 5 6	BY MR. MELAMED:  Q. Are you aware of a current opioid addiction crisis in the United States?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.  THE WITNESS: I'm not sure about the word crisis. I understand from	2 3 4 5 6	Q. Do you know the opioid to which that family member is addicted?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection to form.  THE WITNESS: No, I do not.  BY MR. MELAMED:
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	Page 297		Page 298
1	MS. MAHONEY: Objection.	1	THE WITNESS: No, I do not
2	MS. ZOLNER: Objection, form.	2	recognize the e-mail.
3	THE WITNESS: Not that I'm aware	3	BY MR. MELAMED:
4	of.	4	Q. Do you have any reason to doubt
5	(Document marked for	5	that you sent the e-mail and the documents
6	identification as Myers Deposition	6	attached to it to Mr. Perfetto and Ms. McCormick
7	Exhibit No. 20.)	7	on or around August 26th, 2011?
8	BY MR. MELAMED:	8	MS. ZOLNER: Objection, form.
9	Q. I'm going to hand you what's been	9	THE WITNESS: No.
10	marked as Exhibit 20.	10	BY MR. MELAMED:
11	Exhibit 20 is an e-mail and	11	Q. And this e-mail and the
12	attachments. The e-mail is from David Myers to	12	attachments concerned your work at Actavis,
13	Michael Perfetto, cc'ing Jinping McCormick,	13	correct?
14	August 26, 2011. The subject is "Oxymorphone	14	MS. MAHONEY: Objection.
15	Promotion and chargeback results to date."	15	THE WITNESS: Yes.
16	And then it contains what appear	16	BY MR. MELAMED:
17	to be two separate attachments. The Bates range	17	Q. They were not personal, correct?
18	is ALLERGAN_MDL_00508576 to 8579.	18	MS. MAHONEY: Objection.
19	Do you recognize this e-mail and	19	THE WITNESS: No.
20	the attached documents?	20	BY MR. MELAMED:
21	MS. MAHONEY: 8579?	21	Q. Your e-mail states that you've
22	MR. MELAMED: I'm sorry, 8580.	22	"attached Word document which outlines
23	8580 is a blank page. Thank you for the	23	promotional activities in relation to
24	correction.	24	oxymorphone."
			7
	Page 299		Page 300
1	Do you see that?	1	pharmacy in Pharmacy Times in the August 2011
2	A. Yes.	2	issue.
3	Q. So if you could flip to the	3	Do you see that?
4	document labeled with the Bates number ending	4	A. Yes.
5	8579.	5	Q. And then one ad that had been
6	Does this appear to be the Word	6	placed in Practical Pain Management in the
7	document to which you were referring?	7	August 2011 issue and presumably the forthcoming
8	A. I believe so.	8	October 2011 issue?
9	Q. So we've this document appears	9	MS. ZOLNER: Objection, form.
10	to mention several promotional activities that	10	BY MR. MELAMED:
11	we've already discussed today, such as the two	11	Q. Do you see that?
12	wave direct mail campaign, correct?	12	A. Yes.
13	A. Yes.	13	Q. Do you know whether that
14	Q. And it indicates now that that	14	October 2011 ad was placed?
15	two wave campaign, the first wave had been	15	A. I don't recall if it was.
16	completed as of August 9th, 2011.	16	Q. Okay. The next item you mention
17	Do you see that?	17	is an e-mail campaign reaching a pharmacy
18	A. Yes.	18	audience of 87,000 addresses.
19	Q. And the second wave was planned	19	Do you see that?
20	for the week of September 6th, 2011?	20	A. Yes.
		. 01	Q. Where did you get those e-mail
21	A. Yes.	21	
21 22	Q. And then we've also discussed	22	addresses?
21			

	Page 301		Page 302
1	BY MR. MELAMED:	1	Do you know what is meant by
2	Q. Do you recall whether you were	2	"electronic sell sheet sent to each of their
3	the person responsible for acquiring those	3	facilities"?
4	e-mail addresses?	4	MS. ZOLNER: Objection, form.
5	MS. MAHONEY: Objection.	5	THE WITNESS: I believe it was an
6	THE WITNESS: I don't recall.	6	electronic version of our approved sell
7	BY MR. MELAMED:	7	sheet that we sent to them and they sent
8	Q. Then you include a category it	8	out to their member pharmacies.
9	says "Customer Campaigns."	9	BY MR. MELAMED:
10	Do you see that?	10	Q. And what is Premier?
11	A. Yes.	11	A. Premier is a group purchasing
12	Q. Okay. First says NC Mutual -	12	organization, pharmaceutical.
13	sell sheet will be distributed to their of their	13	Q. Was it do you know how much
14	approximately 500 pharmacy customers.	14	let me withdraw that.
15	Do you see that?	15	Do you know the approximate value
16	A. Yes.	16	of their purchases from Actavis on the for
17	Q. How did that customer campaign	17	the year 2011?
18	come about, if you know?	18	MS. MAHONEY: Objection.
19	MS. MAHONEY: Objection.	19	THE WITNESS: No.
20	THE WITNESS: I don't remember.	20	BY MR. MELAMED:
21	BY MR. MELAMED:	21	Q. What is NC Mutual?
22	Q. The next one is "Premier -	22	A. NC Mutual is another drug
23	electronic sell sheet sent to each of their	23	distributor.
24	facilities."	24	Q. NC stand for North Carolina?
			Q. The sum to Troin emonium
	Page 303		Page 304
1	A. Yes.	1	MS. ZOLNER: Objection.
1 2	<ul><li>A. Yes.</li><li>Q. The third bullet mentions</li></ul>	1 2	MS. ZOLNER: Objection. BY MR. MELAMED:
			BY MR. MELAMED:
2	Q. The third bullet mentions	2	BY MR. MELAMED:  Q. And by "script" I don't mean a
2	Q. The third bullet mentions MedAssets? A. Yes.	2 3	BY MR. MELAMED:  Q. And by "script" I don't mean a prescription, I mean a written script for what
2 3 4	<ul><li>Q. The third bullet mentions</li><li>MedAssets?</li><li>A. Yes.</li><li>Q. And you describe the same</li></ul>	2 3 4 5	BY MR. MELAMED:  Q. And by "script" I don't mean a prescription, I mean a written script for what telemarketers would say.
2 3 4 5	<ul> <li>Q. The third bullet mentions</li> <li>MedAssets?</li> <li>A. Yes.</li> <li>Q. And you describe the same</li> <li>distribution of an electronic sell sheet to each</li> </ul>	2 3 4	BY MR. MELAMED:  Q. And by "script" I don't mean a prescription, I mean a written script for what telemarketers would say.  MS. ZOLNER: Objection, form.
2 3 4 5 6	<ul><li>Q. The third bullet mentions</li><li>MedAssets?</li><li>A. Yes.</li><li>Q. And you describe the same</li></ul>	2 3 4 5 6	BY MR. MELAMED:  Q. And by "script" I don't mean a prescription, I mean a written script for what telemarketers would say.  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.
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	Page 305		Page 306
1		1	
1	Q. Do you know who would?	1	Hi-School Pharmacy.
2	MS. MAHONEY: Objection.	2	Do you know what Hi-School
3	THE WITNESS: I do not.	3	Pharmacy is?
4	BY MR. MELAMED:	4	A. I believe that they were also a
5	Q. The next bullet point concerns	5	pharmaceutical distributor.
6	K-Mart. That's is that a reference to the	6	Q. Do you know did they have a
7	retail chain K-Mart that also has pharmacies?	7	geographic location?
8	A. Pharmacies, yes.	8	MS. MAHONEY: Objection.
9	Q. The next one is to Safeway,	9	THE WITNESS: I don't remember.
10	similarly, that is the grocery store that also	10	BY MR. MELAMED:
11	has pharmacies, correct?	11	Q. HD what is HD Smith?
12	MS. MAHONEY: Objection.	12	A. They were a pharmaceutical
13	THE WITNESS: Yes.	13	distributor.
14	BY MR. MELAMED:	14	Q. And here it mentions for HD Smith
15	Q. The next bullet point is to	15	that a blast fax was sent to each account
16	Costco, that is the big box retailer that also	16	announcing launch of oxymorphone.
17	has pharmacies; is that right?	17	Do you know who what team
18	MS. ZOLNER: Object to the form.	18	was let me withdraw that.
19	THE WITNESS: Yes.	19	Do you know whether that blast
20	BY MR. MELAMED:	20	fax was sent by HD Smith to its accounts?
21	Q. Do you understand what I mean by	21	MS. MAHONEY: Objection.
22	big box retailer?	22	THE WITNESS: Could you could
23	A. Yes.	23	you clarify the question.
24	Q. The next bullet point mentions	24	BY MR. MELAMED:
	Page 307		
	rage 507		Page 308
1	Q. Sure. I'm trying to figure out	1	Page 308 targeting accounts that have previously ordered
1 2		1 2	
	Q. Sure. I'm trying to figure out		targeting accounts that have previously ordered Opana ER."
2	Q. Sure. I'm trying to figure out whether Actavis sent a blast fax to each HD	2	targeting accounts that have previously ordered
2	Q. Sure. I'm trying to figure out whether Actavis sent a blast fax to each HD Smith account or whether HD Smith sent a blast	2 3	targeting accounts that have previously ordered Opana ER."  Do you know for whom that
2 3 4	Q. Sure. I'm trying to figure out whether Actavis sent a blast fax to each HD Smith account or whether HD Smith sent a blast fax to each of its accounts, if you know?	2 3 4	targeting accounts that have previously ordered Opana ER."  Do you know for whom that telemarketing team referenced in that sub-bullet point marked?
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	Page 309		Page 310
1	MR. LOVRIEN: Yeah, thank you.	1	required to pay Rite Aid back for any portion of
2	BY MR. MELAMED:	2	the incentives Rite Aid provided its top volume
3	Q. Did Actavis incentivize McKesson	3	stores?
4	to undertake the action described here?	4	MS. MAHONEY: Objection.
5	MS. MAHONEY: Objection.	5	THE WITNESS: I don't know.
6	THE WITNESS: I don't know.	6	BY MR. MELAMED:
7	BY MR. MELAMED:	7	Q. The final bullet point says
8	Q. Do you know if Actavis was	8	"Walgreens - met Walgreens marketing team,
9	providing the financial incentives or let me	9	currently analyzing promotional campaign
10	withdraw that.	10	options."
11	Do you know if Actavis was	11	Do you see that?
12	required to reimburse McKesson for the	12	A. Yes.
13	incentives that are described in this bullet	13	Q. Do you recall that meeting?
14	point?	14	MS. MAHONEY: Objection.
15	MS. MAHONEY: Objection.	15	THE WITNESS: Vaguely.
16	MS. ZOLNER: Objection to form.	16	BY MR. MELAMED:
17	THE WITNESS: I don't know.	17	Q. Do you recall that any
18	BY MR. MELAMED:	18	promotional campaign options as being
19	Q. The next bullet point is Rite	19	contemplated in that meeting were taken
20	Aid, said "provided store level incentive to top	20	regarding oxymorphone?
21	volume stores (\$30 off first order)."	21	A. I don't recall if that meeting
22	Do you see that?	22	resulted in any campaigns being run through
23	A. I do.	23	Walgreens.
24	Q. Do you know whether Actavis was	24	Q. Do you know if Walgreens ever ran
	,		, , ,
	Page 311		Page 312
1		1	Page 312 a subaccount.
1 2	Page 311 any campaigns related to Actavis and oxymorphone?	1 2	a subaccount.
	any campaigns related to Actavis and		a subaccount.  Q. You said they acted mainly as an
2	any campaigns related to Actavis and oxymorphone?	2	a subaccount.
2	any campaigns related to Actavis and oxymorphone?  A. I don't know.	2	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that
2 3 4	any campaigns related to Actavis and oxymorphone?  A. I don't know. Q. If you return to the e-mail at	2 3 4	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the
2 3 4 5	any campaigns related to Actavis and oxymorphone?  A. I don't know.  Q. If you return to the e-mail at the front of the exhibit, the last sentence	2 3 4 5	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the intermediary between whom?
2 3 4 5 6	any campaigns related to Actavis and oxymorphone?  A. I don't know. Q. If you return to the e-mail at the front of the exhibit, the last sentence states, "Additionally, I have attached the	2 3 4 5 6	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the intermediary between whom?  A. It could
2 3 4 5 6 7	any campaigns related to Actavis and oxymorphone?  A. I don't know. Q. If you return to the e-mail at the front of the exhibit, the last sentence states, "Additionally, I have attached the chargeback results to date."	2 3 4 5 6 7	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the intermediary between whom?  A. It could  MS. MAHONEY: Objection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	any campaigns related to Actavis and oxymorphone?  A. I don't know. Q. If you return to the e-mail at the front of the exhibit, the last sentence states, "Additionally, I have attached the chargeback results to date."  Do you see that? A. Yes. Q. What are chargebacks? A. A chargeback is a way that we have of measuring sales out to it's complicated. Let me think about my phrasing.  Oftentimes when we sell a product out, we sell it at wholesale acquisition cost, which is a standard cost that's published. When we have subcontracts for other companies, like say Walmart and Walmart went to a wholesaler and bought a bottle, they would pay the contract price, and we would reimburse the wholesaler the difference. They're acting mainly as an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the intermediary between whom?  A. It could  MS. MAHONEY: Objection.  THE WITNESS: It could be any wholesaler/distributor.  BY MR. MELAMED:  Q. Any wholesaler/distributor would be the intermediary?  A. Possibly, yes.  Q. I'm just trying to understand how chargeback works how chargebacks work.  It appears you're looking at the page that contains the spreadsheet titled Charge Back Details since launch July 15th, 2011; is that correct?  A. Yes.  Q. And that's this is in Exhibit
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	any campaigns related to Actavis and oxymorphone?  A. I don't know. Q. If you return to the e-mail at the front of the exhibit, the last sentence states, "Additionally, I have attached the chargeback results to date."  Do you see that?  A. Yes. Q. What are chargebacks? A. A chargeback is a way that we have of measuring sales out to it's complicated. Let me think about my phrasing.  Oftentimes when we sell a product out, we sell it at wholesale acquisition cost, which is a standard cost that's published. When we have subcontracts for other companies, like say Walmart and Walmart went to a wholesaler and bought a bottle, they would pay the contract price, and we would reimburse the wholesaler the difference. They're acting mainly as an intermediary between us.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	a subaccount.  Q. You said they acted mainly as an intermediary between us. In that scenario that you described, who was acting as the intermediary between whom?  A. It could  MS. MAHONEY: Objection.  THE WITNESS: It could be any wholesaler/distributor.  BY MR. MELAMED:  Q. Any wholesaler/distributor would be the intermediary?  A. Possibly, yes.  Q. I'm just trying to understand how chargeback works how chargebacks work.  It appears you're looking at the page that contains the spreadsheet titled Charge Back Details since launch July 15th, 2011; is that correct?  A. Yes.  Q. And that's this is in Exhibit 20.

	Page 313		Page 314
1	spreadsheet?	1	Q. Does Teva still use CARS?
2	A. Yes, vaguely.	2	MS. ZOLNER: Objection, form.
3	Q. You put the spreadsheet together;	3	Objection, foundation.
4	is that right?	4	THE WITNESS: I don't believe so.
5	MS. MAHONEY: Objection.	5	BY MR. MELAMED:
6	THE WITNESS: I believe so.	6	Q. Was there a point in time at
7	BY MR. MELAMED:	7	which Actavis stopped using CARS to record
8	Q. You sent it on?	8	charge backs?
9	MS. MAHONEY: Objection.	9	MS. ZOLNER: Objection, form.
10	THE WITNESS: Yes.	10	THE WITNESS: I don't recall.
11	BY MR. MELAMED:	11	BY MR. MELAMED:
12	Q. So looking at the spreadsheet,	12	Q. So it says CARS below the
13	can you describe what you mean by "CARS Prod	13	header "CARS Prod Group Dimension," it says
14	Group Dimension" in the top left?	14	"Cars Item (2/2)."
15	A. CARS was a system that managed	15	Do you see that?
16	our contracts and chargebacks, so that's an	16	A. Yes.
17	internal system. I don't know if it's a third	17	Q. Do you know what that refers to?
18	party software.	18	A. Yes.
19	Q. And so all of the chargebacks	19	Q. And what is that?
20	were recorded in CARS?	20	A. I have selected two products for
21	A. I believe so.	21	review.
22	Q. And do you know how long you used	22	Q. So the items being referenced
23	CARS?	23	there are the oxymorphone 15-milligram tablets
24	A. I do not.	24	and the oxymorphone 7.5-milligram tablets,
	Page 315		216
			Page 316 I
1		1	Page 316
1 2	correct?	1 2	let me withdraw that.
2	correct? A. Yes.	2	let me withdraw that.  Does that mean Actavis is making
2 3	correct?  A. Yes. Q. And then the oxymorphone line		let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales
2 3 4	correct?  A. Yes.  Q. And then the oxymorphone line below, if you go to the right, reflects the	2	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?
2 3 4 5	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two	2 3 4	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that.
2 3 4	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that	2 3 4 5	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that
2 3 4 5 6	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two	2 3 4 5 6	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the
2 3 4 5 6 7	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct?	2 3 4 5 6 7	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a
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2 3 4 5 6 7 8 9	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on	2 3 4 5 6 7 8 9	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?
2 3 4 5 6 7 8 9 10	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by	2 3 4 5 6 7 8 9 10	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection.
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by distributor basis; is that correct?	2 3 4 5 6 7 8 9 10 11	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection. THE WITNESS: No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by distributor basis; is that correct?  MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: It appears that way.  BY MR. MELAMED: Q. So Walmart here is listed as having 284 chargeback units; is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection.  THE WITNESS: No. BY MR. MELAMED: Q. Can you explain to me what that means, what does the 284 next to Walmart mean? A. Yes. The 284 units mean that Walmart had purchased 284 units from one of the four wholesalers listed below, at the bottom of the form where it says CARS wholesale group.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by distributor basis; is that correct? MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: It appears that way. BY MR. MELAMED: Q. So Walmart here is listed as having 284 chargeback units; is that correct? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection.  THE WITNESS: No. BY MR. MELAMED: Q. Can you explain to me what that means, what does the 284 next to Walmart mean? A. Yes. The 284 units mean that Walmart had purchased 284 units from one of the four wholesalers listed below, at the bottom of the form where it says CARS wholesale group. Q. And what was the effect on
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by distributor basis; is that correct? MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: It appears that way. BY MR. MELAMED: Q. So Walmart here is listed as having 284 chargeback units; is that correct? A. Yes. Q. And so and this is for the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection.  THE WITNESS: No. BY MR. MELAMED: Q. Can you explain to me what that means, what does the 284 next to Walmart mean? A. Yes. The 284 units mean that Walmart had purchased 284 units from one of the four wholesalers listed below, at the bottom of the form where it says CARS wholesale group. Q. And what was the effect on Actavis of Walmart having purchased 284 units
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And then the oxymorphone line below, if you go to the right, reflects the total number of chargeback units for those two items for the time period defined; is that correct? A. Yes. Q. And then the subsequent part of the spreadsheet breaks down the chargebacks on a what appears to be a distributor by distributor basis; is that correct? MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: It appears that way. BY MR. MELAMED: Q. So Walmart here is listed as having 284 chargeback units; is that correct? A. Yes. Q. And so and this is for the period July 15th to August 19th, 2011, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	let me withdraw that.  Does that mean Actavis is making a payment to Walmart for 284 different sales that Walmart made of Actavis oxymorphone?  A. Could you repeat that. Q. Sure. Does that mean that Actavis is paying Walmart to make up the difference between the wholesale price and a different price for 284 transactions in which Walmart took part?  MS. MAHONEY: Objection.  THE WITNESS: No. BY MR. MELAMED: Q. Can you explain to me what that means, what does the 284 next to Walmart mean? A. Yes. The 284 units mean that Walmart had purchased 284 units from one of the four wholesalers listed below, at the bottom of the form where it says CARS wholesale group. Q. And what was the effect on Actavis of Walmart having purchased 284 units from one of the four wholesalers listed in the

	Page 317		Page 318
1	THE WITNESS: We would reimburse	1	purchased the 284 units from for the difference
2	whoever they purchased those units from	2	between Walmart's contract price and the price
3	for the difference between their	3	that the wholesaler paid for those drugs?
4	contract price and the price that they	4	MS. MAHONEY: Objection.
5	paid.	5	THE WITNESS: Yes.
6	BY MR. MELAMED:	6	BY MR. MELAMED:
7	Q. That's helpful. I just want to	7	Q. And in order to receive these
8	understand a few words you used in that	8	reimbursement payments, were the wholesalers
9	sentence. You said we would reimburse whoever	9	required to provide Actavis the specific
10	they purchased those units from, that "they" is	10	information about who purchased the units for
11	referencing Walmart in this example, correct?	11	which the wholesalers were seeking chargeback
12	A. Yes.	12	payments?
13	Q. Okay. So we would reimburse	13	A. I believe so.
14	whoever Walmart purchased those 284 units from	14	(Document marked for
15	for the difference between their contract price	15	identification as Myers Deposition
16	and the price that they paid.	16	Exhibit No. 21.)
17	Whose contract price?	17	BY MR. MELAMED:
18	A. Walmart's.	18	Q. Handing you what's been marked
19	Q. And the price that who paid?	19	Exhibit 21.
20	A. The wholesaler that they	20	Exhibit 21 is an e-mail from
21	purchased it from.	21	David Myers to a group of recipients on
22	Q. Okay. So just to make sure I	22	September 27th, 2011, subject, "Oxymorphone
23	have this clear, and please correct me if it's	23	Promotion at McKesson."
24	wrong, Actavis would reimburse whoever Walmart	24	Do you recognize this document?
	Page 319		Page 320
			<u> </u>
1	A. No, I do not.	1	BY MR. MELAMED:
1 2	Q. Do you have any reason to	1 2	
	Q. Do you have any reason to believe let me rephrase that.		BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that
2	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt	2	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?
2	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?	2	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.
2 3 4 5 6	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not.	2 3 4 5	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?
2 3 4 5	<ul> <li>Q. Do you have any reason to</li> <li>believe let me rephrase that.</li> <li>Do you have any reason to doubt</li> <li>that you sent this document?</li> <li>A. No, I do not.</li> <li>Q. This document related to your</li> </ul>	2 3 4 5 6 7	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:
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2 3 4 5 6 7 8 9 10 11	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not.  Q. This document related to your work at Actavis, correct?  A. Yes.  Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug	2 3 4 5 6 7 8 9 10 11	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not. Q. This document related to your work at Actavis, correct?  A. Yes. Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug Company"?  A. Let me read the document, so I can understand the context. Q. Sure. A. (Witness reviews document.)  MR. LOVRIEN: While he's doing that, maybe I missed it, but can we get a Bates number for the record.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of that?  A. I believe that McKesson has an ordering portal for their customers, their pharmacy customers, and you can put banner ads on that to highlight your product.  Q. Do you recall whether Actavis paid to place those banner ads on McKesson's ordering portal?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not. Q. This document related to your work at Actavis, correct?  A. Yes. Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug Company"?  A. Let me read the document, so I can understand the context. Q. Sure. A. (Witness reviews document.)  MR. LOVRIEN: While he's doing that, maybe I missed it, but can we get a Bates number for the record.  MR. MELAMED: Sure. I may not	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of that?  A. I believe that McKesson has an ordering portal for their customers, their pharmacy customers, and you can put banner ads on that to highlight your product.  Q. Do you recall whether Actavis paid to place those banner ads on McKesson's ordering portal?  A. I do not recall.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not. Q. This document related to your work at Actavis, correct?  A. Yes. Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug Company"?  A. Let me read the document, so I can understand the context. Q. Sure. A. (Witness reviews document.)  MR. LOVRIEN: While he's doing that, maybe I missed it, but can we get a Bates number for the record.  MR. MELAMED: Sure. I may not have said it. For the record, the Bates	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of that?  A. I believe that McKesson has an ordering portal for their customers, their pharmacy customers, and you can put banner ads on that to highlight your product.  Q. Do you recall whether Actavis paid to place those banner ads on McKesson's ordering portal?  A. I do not recall.  Q. There's a second bullet point
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not.  Q. This document related to your work at Actavis, correct?  A. Yes.  Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug Company"?  A. Let me read the document, so I can understand the context.  Q. Sure.  A. (Witness reviews document.)  MR. LOVRIEN: While he's doing that, maybe I missed it, but can we get a Bates number for the record.  MR. MELAMED: Sure. I may not have said it. For the record, the Bates number for Exhibit 21 is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of that?  A. I believe that McKesson has an ordering portal for their customers, their pharmacy customers, and you can put banner ads on that to highlight your product.  Q. Do you recall whether Actavis paid to place those banner ads on McKesson's ordering portal?  A. I do not recall.  Q. There's a second bullet point that says "Phone Awareness Campaign." It says
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you have any reason to believe let me rephrase that.  Do you have any reason to doubt that you sent this document?  A. No, I do not. Q. This document related to your work at Actavis, correct?  A. Yes. Q. Do you recall what is referred what you referred to here as "a two-part oxymorphone marketing program with McKesson Drug Company"?  A. Let me read the document, so I can understand the context. Q. Sure. A. (Witness reviews document.)  MR. LOVRIEN: While he's doing that, maybe I missed it, but can we get a Bates number for the record.  MR. MELAMED: Sure. I may not have said it. For the record, the Bates	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. MELAMED:  Q. Do you recall the two-part oxymorphone marketing program with McKesson that is referenced in this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: I do not.  BY MR. MELAMED:  Q. Do you understand what's meant in the online bullet point by "a two-week advertising campaign on McKesson Connect"?  A. I believe so.  Q. And what's your understanding of that?  A. I believe that McKesson has an ordering portal for their customers, their pharmacy customers, and you can put banner ads on that to highlight your product.  Q. Do you recall whether Actavis paid to place those banner ads on McKesson's ordering portal?  A. I do not recall.  Q. There's a second bullet point

	Page 321		Page 322
1	specialists, GenericsConnect, will be contacting	1	Q. Do you recall having discussions
2	a targeted pool of 200 retail independent	2	with anyone from McKesson about either of these
3	pharmacies with significant Opana ER brand sales	3	marketing programs?
4	beginning the week of September 26th."	4	MS. MAHONEY: Objection.
5	And it continues, "each	5	MS. ZOLNER: Objection, form.
6	GenericsConnect specialist has a regular series	6	THE WITNESS: I do not recall.
7	of ongoing conversations with the same customer	7	BY MR. MELAMED:
8	base, and promotional awareness of Actavis'	8	Q. Did you regularly have
9	oxymorphone is being incorporated into their	9	discussions with McKesson about marketing
10	outbound messaging during this campaign period."	10	Actavis' generic drugs?
11	Do you see that?	11	A. No.
12	A. Yes.	12	Q. Other than this instance, do you
13	Q. Do you recall whether Actavis	13	recall any other instance where McKesson ran a
14	compensated McKesson for the phone awareness	14	marketing program on behalf of an Actavis drug?
15	campaign described in the second bullet point?	15	MS. MAHONEY: Objection.
16	MS. MAHONEY: Objection.	16	MS. ZOLNER: Objection, form.
17	MS. ZOLNER: Objection to form.	17	THE WITNESS: It's possible.
18	THE WITNESS: I do not know.	18	BY MR. MELAMED:
19	BY MR. MELAMED:	19	Q. Do you recall any, as you sit
20	Q. You don't know whether they paid	20	here today?
21	either way?	21	A. Not specifically.
22	MS. MAHONEY: Objection.	22	(Document marked for
23	THE WITNESS: I do not know.	23	identification as Myers Deposition
24	BY MR. MELAMED:	24	Exhibit No. 22.)
	Page 323		D 204
	1496 323		Page 324
1	BY MR. MELAMED:	1	you didn't circulate these attachments?
1 2		1 2	
	BY MR. MELAMED:		you didn't circulate these attachments?
2	BY MR. MELAMED:  Q. Handing you what's been marked	2	you didn't circulate these attachments?  A. No.
2	BY MR. MELAMED:  Q. Handing you what's been marked Exhibit 22.	2 3	you didn't circulate these attachments?  A. No. Q. These communications concern your
2 3 4	BY MR. MELAMED:  Q. Handing you what's been marked Exhibit 22. Exhibit 22 is an e-mail and	2 3 4	you didn't circulate these attachments?  A. No. Q. These communications concern your work, your job responsibilities at Actavis,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. MELAMED:  Q. Handing you what's been marked Exhibit 22.  Exhibit 22 is an e-mail and attachment thereto from David Myers to Dorothy McEntee and several others cc'd, October 5th, 2011, subject, forward, "Fentanyl Ad." It starts at Bates number ACTAVIS0343310 and continues to 3321.  Do you recall this document?  A. I do not.  Q. Do you have any reason to believe that you did not send the e-mail and attachments thereto?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.  THE WITNESS: No.  BY MR. MELAMED:  Q. Do you have any reason to believe you didn't send this e-mail?  MS. MAHONEY: Objection.  THE WITNESS: No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you didn't circulate these attachments?  A. No. Q. These communications concern your work, your job responsibilities at Actavis, correct?  MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: Yes.  BY MR. MELAMED: Q. And what I mean when I say that is they were undertaken as part of your job responsibilities; do you understand that? A. Yes. Q. Okay. The e-mail concerns or mentions that Actavis is planning to once again advertise fentanyl in 2012. Do you see that? MS. MAHONEY: Objection. MS. ZOLNER: Object to form. THE WITNESS: I do see it.  BY MR. MELAMED: Q. And there are a series of

	Page 325		Page 326
1	advertisement."	1	A. No, I do not.
2	Do you see that?	2	Q. Do you have any reason to believe
3	A. Yes.	3	you did not send the e-mails that say they are
4	Q. The final change says, change	4	from David Myers in the string of e-mails
5	more than 8 million patches sold long to be more	5	reflected here?
6	than 20 million patches more than 20 million.	6	A. I do not.
7	Do you see that?	7	Q. Do you have any reason to believe
8	A. I do.	8	you did not receive the e-mails that were sent
9	Q. Is that because by October 5th,	9	to David Myers reflected in this string?
10	2011, Actavis had sold more than 20 million	10	A. I do not.
11	fentanyl patches?	11	Q. And these the content of these
12	A. I believe that would be the case.	12	e-mails concerned your responsibility as an
13	(Document marked for	13	employee of Actavis; is that correct?
14	identification as Myers Deposition	14	MS. MAHONEY: Objection.
15	Exhibit No. 23.)	15	THE WITNESS: Yes, yes.
16	BY MR. MELAMED:	16	BY MR. MELAMED:
17	Q. Handing you what's been marked	17	Q. I want to turn your attention to
18	Exhibit 23.	18	an e-mail you sent to Heather Alonso on
19	Exhibit 23 is e-mail string and	19	January 17th, which is on the second page, Bates
20	attachment, e-mail most recent in time is from	20	number ending 8580. And the subject here is
21	Heather Alonso to David Myers, cc'ing Joanne	21	"RE: Oxymorphone mailings." And you write, "In
22	Terzides sent January 18th, 2012, begins at	22	discussing this production with my director, we
23	ACTAVIS0618579 and continues through 8584.	23	were thinking of going in a somewhat different
24	Do you recognize this document?	24	direction. We were thinking of shortening the
	, ,		
	Page 327		Page 328
	_		rage 320
1	mailing list to the top 6,000 doctors (we	1	page with the Bates stamp ending 8579, and the
1 2		1 2	
	mailing list to the top 6,000 doctors (we		page with the Bates stamp ending 8579, and the
2	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead	2	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave
2	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead of two. Can you please provide another quote	2 3	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave direct mail campaign to the top 10,000
2 3 4	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead of two. Can you please provide another quote for a 3-wave mailing program with 6,000 names in	2 3 4	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave direct mail campaign to the top 10,000 prescribing doctors." The first wave was mailed
2 3 4 5	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead of two. Can you please provide another quote for a 3-wave mailing program with 6,000 names in each wave?"	2 3 4 5	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave direct mail campaign to the top 10,000 prescribing doctors." The first wave was mailed August 9th, 2011. The second wave will be
2 3 4 5 6	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead of two. Can you please provide another quote for a 3-wave mailing program with 6,000 names in each wave?"  Do you see that?	2 3 4 5 6	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave direct mail campaign to the top 10,000 prescribing doctors." The first wave was mailed August 9th, 2011. The second wave will be mailed week of September 6, 2011.
2 3 4 5 6 7	mailing list to the top 6,000 doctors (we provide the list), but doing three waves instead of two. Can you please provide another quote for a 3-wave mailing program with 6,000 names in each wave?"  Do you see that?  A. I do.	2 3 4 5 6 7	page with the Bates stamp ending 8579, and the first section with "Direct Mail" says "Two wave direct mail campaign to the top 10,000 prescribing doctors." The first wave was mailed August 9th, 2011. The second wave will be mailed week of September 6, 2011.  Do you see that?
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	Page 329		Page 330
1	Joanne Terzides at the bottom of the page with	1	previous list that was entered into
2	the Bates stamped with the Bates stamp ending	2	evidence.
3	8580, subject "RE: Oxymorphone mailings." This	3	BY MR. MELAMED:
4	is discussing a mailing campaign separate from	4	Q. Do you know whether this mailing
5	the two-wave mailing campaign to the top 10,000	5	campaign being discussed on January 17th, 2012
6	prescribers of Opana, correct?	6	ever took place?
7	A. Yes.	7	A. I don't believe that it did.
8	Q. That e-mailing campaign, the	8	Q. Do you understand why or why
9	two-wave campaign to the top 10,000 Opana	9	don't you believe that it did?
10	prescribers had already been completed by the	10	A. Because I would probably remember
11	date by January 17th, 2012, right?	11	it and I don't.
12	A. I believe so.	12	Q. Okay. You can put that aside.
13	Q. And so this was you were	13	(Document marked for
14	asking for a quote for a three-wave campaign to	14	identification as Myers Deposition
15	the top 6,000 doctors, again concerning		
16	oxymorphone; is that correct?	15	Exhibit No. 24.)
17	· · ·	16	BY MR. MELAMED:
18	A. Yes, that appears what I'm	17	Q. Handing you what's been marked
19	asking.	18	Myers Exhibit 24, which is an e-mail and an
	Q. Do you know what the top the	19	attachment. The e-mail is from David Myers to a
20	top 6,000 doctors refers to, meaning top 6,000	20	list of recipients. Subject is "Oxymorphone
21	doctors at what?	21	Prescription/Sales Trend" starts at
22	MS. MAHONEY: Objection.	22	ALLERGAN_MDL_00291742 and ends on 1744. There
23	THE WITNESS: I believe it to	23	are subsequent documents to that which appear to
24	mean the top 6,000 doctors off of the	24	be the natives referenced on 1744.
	5 221		
	Page 331		Page 332
1		1	
1 2	Do you recognize this document?  A. No, I do not.	1 2	MS. ZOLNER: Objection, form.
	Do you recognize this document?  A. No, I do not.	1	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection.
2	Do you recognize this document?  A. No, I do not.  MS. MAHONEY: One second. I just	2	MS. ZOLNER: Objection, form.
2	Do you recognize this document?  A. No, I do not.  MS. MAHONEY: One second. I just want to clarify for the record how many	2 3	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: Yes. BY MR. MELAMED:
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2 3 4 5	Do you recognize this document?  A. No, I do not.  MS. MAHONEY: One second. I just want to clarify for the record how many	2 3 4 5	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: Yes. BY MR. MELAMED:
2 3 4 5 6	Do you recognize this document?  A. No, I do not.  MS. MAHONEY: One second. I just want to clarify for the record how many pages there  Ten pages of  MR. MELAMED: Non-Bates numbered	2 3 4 5 6	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: Yes. BY MR. MELAMED: Q. These were not personal e-mails or communications? A. No.
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	Page 333		Page 334
1	where they were prior to the discontinuation of	1	on the screen and try to describe them for the
2	Opana ER 7.5-milligram and 15-milligram.	2	record. The first one contains a bar chart at
3	Do you see that?	3	the top. The header says Oxymorphone
4	A. Yes.	4	Prescription Sales Through February Feb 2012,
5	Q. And that there was also a 37.2%	5	and the chart says "Oxymorphone Sales Trend."
6	jump in prescriptions in February, correct?	6	There are red bars that state total sum of TRx
7	A. Yes.	7	quantify.
8	Q. And you say, "this is most likely	8	Can you tell me what TRx quantity
9	due to a couple of factors," and the first	9	stands for?
10	factor you list is "Continued promotion by	10	A. Total prescriptions.
11	Actavis (direct e-mail/e-mail programs); and the	11	Q. So that is number of
12	help of the Kadian sales team promoting	12	prescriptions written for these drugs; is that
13	awareness among physicians."	13	correct?
14	Do you see that?	14	A. Yes.
15	A. I do.	15	Q. Okay. The orange says "CARS Prod
16	Q. Did you believe that to be true	16	- chargeback units."
17	when you wrote when you wrote this statement?	17	A. Yes.
18	A. I believe it was a contributing	18	Q. Can you tell me what that stands
19	factor.	19	for?
20	Q. Have you come to believe that	20	A. That has to do with units
21	that is not true for any reason since?	21	actually being sold out to pharmacies and stores
22	A. No.	22	that have pharmacies.
23	Q. If you could turn to the	23	<ul> <li>Q. And Actavis had access to</li> </ul>
24	spreadsheets, and I'll put the spreadsheets up	24	information about which specific pharmacies
	Page 335		Page 336
1	those units were sold out to; is that correct?	1 -	
		1	BY MR. MELAMED:
2	MS. MAHONEY: Objection.	2	Q. Understood.
3	MS. MAHONEY: Objection. THE WITNESS: I don't believe so.	2 3	<ul><li>Q. Understood.</li><li>A. So it was</li></ul>
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	Page 337		Page 338
1	MS. ZOLNER: Objection,	1	Incorporated's 15-milligram oxymorphone in
2	foundation.	2	the over time; is that correct?
3	THE WITNESS: I don't remember.	3	MS. MAHONEY: Objection.
4	BY MR. MELAMED:	4	THE WITNESS: One moment, please.
5	Q. If you look at the next page,	5	I'm a little confused by how I pulled
6	which has a small chart, top left of which has	6	this, but, I'm sorry, could you please
7	"Strength" and then "Manufacturer," then "Data"	7	restate your question.
8	and then there's a "Month" row at the top. Do	8	BY MR. MELAMED:
9	you see where Endo Pharm, Inc. is listed as a	9	Q. What do you understand sum of TRx
10	manufacturer?	10	quantity for Endo Pharmaceuticals, Inc.,
11	A. I do.	11	15 milligrams to mean on the chart we were
12	Q. And do you see that there is a	12	looking at?
13	row for Endo Pharm, Inc. that says in the	13	A. On the chart we're looking at
14	15-milligram section "Sum of TRx Count"?	14	currently
15	A. Yes.	15	O. Yes.
16	Q. And that there's another row that	16	A I believe it to mean this was
17	says Sum of TRx quantity?	17	the amount of prescriptions that they were
18	A. Yes.	18	selling when they were activity selling this
19	Q. So does sum of TRx quantity mean	19	strength.
20	the same thing on this page that it did on the	20	Q. Okay. And what do you understand
21	chart, on the prior page?	21	sum of TRx count to mean for Endo Pharm, Inc.,
22	A. Yes, I believe so.	22	15-milligram strength?
23	Q. Okay. That's the total number of	23	A. I'm not sure of the difference
24	prescriptions written for Endo Pharmaceutical,	24	between count and quantity. I believe it may
	Page 339		Page 340
1	mean the difference between quantity may mean	1	MS. MAHONEY: Objection.
1 2	mean the difference between quantity may mean extended units and count may be a bottle, but	1 2	MS. MAHONEY: Objection. THE WITNESS: Yes.
			~
2	extended units and count may be a bottle, but	2	THE WITNESS: Yes.
2 3	extended units and count may be a bottle, but I'm not sure.	2 3	THE WITNESS: Yes. BY MR. MELAMED:
2 3 4	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of	2 3 4	THE WITNESS: Yes.  BY MR. MELAMED:  Q. You're comparing the same type of
2 3 4 5	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of those terms, TRx quantity and TRx count are	2 3 4 5	THE WITNESS: Yes. BY MR. MELAMED: Q. You're comparing the same type of information?
2 3 4 5 6	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of those terms, TRx quantity and TRx count are consistent as used on this chart alone?	2 3 4 5 6	THE WITNESS: Yes. BY MR. MELAMED: Q. You're comparing the same type of information? MS. ZOLNER: Objection.
2 3 4 5 6 7	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of those terms, TRx quantity and TRx count are consistent as used on this chart alone?  MS. MAHONEY: Objection.	2 3 4 5 6 7	THE WITNESS: Yes.  BY MR. MELAMED: Q. You're comparing the same type of information?  MS. ZOLNER: Objection.  MS. MAHONEY: Objection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of those terms, TRx quantity and TRx count are consistent as used on this chart alone?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, form.  Objection, foundation.  THE WITNESS: Can you explain.  BY MR. MELAMED:  Q. Sure.  Does sum of TRx count next to  Actavis Elizabeth under 15-milligram strength mean the same thing as sum of TRx count next to Endo Pharm, Inc. for 15 milligrams?  MS. ZOLNER: Objection, form.  Objection, foundation.  THE WITNESS: I believe so. I was comparing what they had been selling to what we were selling.  BY MR. MELAMED:  Q. And to use a colloquialism,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Yes.  BY MR. MELAMED:  Q. You're comparing the same type of information?  MS. ZOLNER: Objection.  MS. MAHONEY: Objection.  THE WITNESS: Like speaks to like.  BY MR. MELAMED:  Q. Where did you get the information about Endo Pharmaceuticals that is in this chart?  A. At the time I would assume that it was Wolters Kluwer.  Q. What information was available to you about other company's products through Wolters Kluwer?  A. I don't remember the entire range of the data that was available to me.  Q. But one of the types of data you do recall being available was information about prescriptions of Endo's Opana at 15 milligrams
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	extended units and count may be a bottle, but I'm not sure.  Q. Do you believe the meanings of those terms, TRx quantity and TRx count are consistent as used on this chart alone?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, form.  Objection, foundation.  THE WITNESS: Can you explain.  BY MR. MELAMED:  Q. Sure.  Does sum of TRx count next to  Actavis Elizabeth under 15-milligram strength mean the same thing as sum of TRx count next to Endo Pharm, Inc. for 15 milligrams?  MS. ZOLNER: Objection, form.  Objection, foundation.  THE WITNESS: I believe so. I was comparing what they had been selling to what we were selling.  BY MR. MELAMED:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Yes. BY MR. MELAMED: Q. You're comparing the same type of information? MS. ZOLNER: Objection. MS. MAHONEY: Objection. THE WITNESS: Like speaks to like. BY MR. MELAMED: Q. Where did you get the information about Endo Pharmaceuticals that is in this chart? A. At the time I would assume that it was Wolters Kluwer. Q. What information was available to you about other company's products through Wolters Kluwer? A. I don't remember the entire range of the data that was available to me. Q. But one of the types of data you do recall being available was information about

	Page 341		Page 342
1	A. Yes, yes.	1	A. Either the brand product name or
2	Q. Turn the page, I just want to	2	the molecule, if it's generic.
3	look at the first page of the remainder of the	3	Q. Is it your understanding that the
4	spreadsheet, and just so for the record, so	4	generic molecule rows here which appear at the
5	it's clear, it says "Oxycodone IR" at the top,	5	beginning of this spreadsheet are Actavis
6	Form, Product, Strength, Manufacturer, Month,	6	oxymorphone hydrochloride tablets?
7	Metrics, NRx count, NRx quantity, TRx count, TRx	7	A. Could you repeat.
8	quantity, TRx dollars. The remaining pages have	8	MS. MAHONEY: Objection.
9	the same columns but do not have the same	9	BY MR. MELAMED:
10	headers as a manner of identifying.	10	Q. Is it your understanding that
11	A. Yeah.	11	the where it says "Product" and it lists
12	Q. Do you understand where this	12	"oxymorphone HCL"
13	information came from?	13	A. Yes.
		14	Q is it your understanding that
14		15	that those rows reflect oxymorphone
15	Q. Okay. Do you understand what	16	manufactured and sold by Actavis?
16	"Form" means?	17	MS. MAHONEY: Objection.
17	A. I assume that to be dosage form.	18	THE WITNESS: No.
18	Q. And so there are dosage forms in	19	
19	this spreadsheet that are tablet and then dosage		BY MR. MELAMED:
20	forms that are sustained-release tablet; is that	20	Q. What is your understanding of
21	correct?	21	what that reflects?
22	A. Yes.	22	A. My understanding by looking at
23	Q. Okay. "Product," what do you	23	this chart is that is oxymorphone that is sold
24	understand Product to mean?	24	by Qualitest, Roxane or Qualitest and Roxane in
	Page 343		Page 344
1	different strengths, and those are tablets, not	1	Q. That's not that doesn't
2	sustained-release tablets.	2	reflect Actavis oxymorphone; is that right?
3	Q. So you were referring to the	3	MS. ZOLNER: Objection to form.
4	manufacturer	4	THE WITNESS: Yes.
5	A. Yes.	5	BY MR. MELAMED:
6	Q column, correct?	6	Q. If you turn to the last page of
7	A. Yes.	7	the spreadsheet, you'll see there is reference
8	Q. And so Qualitest is a	8	in the bottom approximately ten rows to the
9	manufacturer separate from Actavis, correct?	9	manufacturer being Actavis Elizabeth?
10	A. Yes.	10	A. Yes.
11	Q. And Roxane is a manufacturer	11	Q. Do you understand that to be
12	separate from Actavis; is that correct?	12	short for Actavis Elizabeth?
13	A. Yes.	13	A. Yes.
14	Q. And if you turn to the next page,	14	Q. Do you understand those to be
15	there is a manufacturer called Repacker MFG.	15	reflect oxymorphone sold by Actavis?
16	Do you see the references to	16	A. Yes.
17	Repacker?	17	Q. And you don't recall where you
18	A. Yes.	18	got this information?
19	Q. Repacker MFG is a company	19	A. It appears that it might be from
20	separate from Actavis; is that right?	20	Wolters Kluwer, but I don't recall the layout.
21	MS. ZOLNER: Objection to form.	21	Q. Can you think of any other source
22	THE WITNESS: They're an entity	22	from which you would have gotten this
23	or entities separate from Actavis.	23	information, other than Wolters Kluwer?
24	BY MR. MELAMED:	24	MS. MAHONEY: Objection.
	~ ~ 1711X, 1711LLL 11711LLD,	"	1715. THE HIOTALE. OUJCHOIL

1 THE WITNESS: No, that's why I'm 2 basing my previous comment that it 3 appears to be Wolters Kluwer, because I 4 don't have any other place where I could 5 have gotten this. No other place comes 6 to mind. 6 (Document marked for 8 identification as Myers Deposition 8 identification as Myers Deposition 9 Exhibit No. 25.) 10 MR. MELAMED: Sorry for the 11 placement of the sticker, handing you 12 Exhibit 25, is an e-mail from 13 off anything on the document. 14 MS. MAHONEY: Seems appropriate 15 to me. 16 BY MR. MELAMED: 17 Q. Exhibit 25, us an e-mail from 18 David Myers to Gerard Farrell and Brenda Vesey 19 dated June 13th, 2012, subject, forward, "Diana 20 Award" and it has attachments. The document has 21 Bates numbers or the Bates range 22 ACTAYIS_MDL_00507938 to 944. 23 Do you recognize this document? 24 A. No. 25 Page 347 26 for the Diana award? 27 A. I believe it is. 3 Q. Did you win any money for winning 4 the Diana award? 2 A. I believe it is. 3 Q. Did you win any money for winning 4 the Diana award? 5 A. No, we did not. 6 Q. Neither you individually, nor the 7 company, correct? 7 Company, correct? 8 MS. MAHONEY: Objection. 9 THE WITNESS: Yes, neither me 10 individually, nor the 10 company, correct? 11 MR. MELAMED: 12 aside. 13 (Document marked for 14 identification as Myers Deposition 15 Exhibit No. 26.) 16 BY MR. MELAMED: 17 Q. I'm sorry. 18 that you sent the e-mails. I't represent to you to Gerard Farrell 18 that say they came from you to Gerard Farrell 19 that say they came from you to Gerard Farrell 10 that say they came from you to Gerard Farrell 10 that say they came from you to Gerard Farrell 11 that say they came from you to Gerard Farrell 12 that say they came from you to Gerard Farrell 14 that say they came from you to Gerard Farrell 15 that say they came from you to Gerard Farrell 16 that say they came from you to Gerard Farrell 18 that say they came from you to Gerard Farrell 19 A. Yes. 10 Loop on the double 11 that say they came from you to Gerard Farrell 12 that say they came from you to Ge		Page 345		Page 346
basing my previous comment that it appears to be Wolters Kluwer, because I don't have any other place where I could have gotten this. No other place comes to mind.  Chocument marked for Bichibit No. 25.  MR. MELAMED: Sorry for the Individual of anything on the document.  BYMR MELAMED: Sems appropriate to me.  BYMR MELAMED: Si an e-mail from David Myers to Gerard Farrell and Brenda Vesey dated June 13th, 2012, subject, forward, "Diana Award" and it has attachments. The document has Bates numbers or the Bates range ACTAVIS_MDI_00507938 to 944.  A No.  Page 347  for the Diana award? A No.  Page 347  for the Diana award? A No, we did not. Q Neithery ou individually, nor the company, correct?  MR. MELAMED: You can put that aside.  MR. MAHONEY: Objection.  Page 347  for the Diana award? A No, we did not. Q Neithery ou individually, nor the company, correct?  MR. MELAMED: You can put that aside.  MR. MAHONEY: Objection.  Page 347  A No were employed at watson? A No, we did not. Q Neithery ou individually, nor the company, correct? A No were my company.  MR. MELAMED: You can put that aside.  MR. MAHONEY: Objection. B MR. MELAMED: You can put that aside.  MR. MAHONEY: Objection.  MR. MELAMED: You can put that aside.  MR. MAHONEY: Objection.  MR. MELAMED: You can put that asi	1	THE WITNESS: No. that's why I'm	1	O. Do you have any reason to doubt
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6 to mind. 7 (Document marked for identification as Myers Deposition 8 identification as Myers Deposition 9 Exhibit No. 25.) 9 (Do you have any reason to doubt that you sent these e-mails? 11 placement of the sticker, handing you 12 Exhibit 25, just didn't want to block 13 off anything on the document. 14 MS. MAHONEY: Seems appropriate to me. 15 to me. 16 BY MR. MELAMED: 17 Q. Exhibit 25 is an e-mail from 18 David Myers to Geard Farrell and Brenda Vesey 19 dated June 13th, 2012, subject, forward, "Diana 20 Award" and it has attachments. The document has 21 Bates numbers or the Bates range 22 ACTAVIS_MDL_00507938 to 944. 23 Do you recognize this document? 24 A. No. 29 Page 347 1 for the Diana award? 20 A. Did you win any money for winning the Diana award? 21 A. Diana award? 22 A. I believe it is. 23 Q. Did you win any money for winning the Diana award? 24 the Diana award? 25 A. No, we did not. 26 Q. Neither you individually, nor the company, correct? 27 MS. MAHONEY: Objection. 28 THE WITNESS: Yes, neither me individually, nor the company, correct? 39 THE WITNESS: Yes, neither me individually, not the company, correct? 40 MS. MAHONEY: Objection. 41 identification as Myers Deposition 42 Exhibit No. 26.) 43 Q. I'm sorry. 44 Pharmaceutical product information and the form and the instructions thereto. 45 Do you recall whether this drug ever did launch? 46 A. Yes. 47 The sorry. 48 MR. MELAMED: You can put that aside. 49 Q. Do you recall whether this drug ever did launch? 40 Q. On doose this - to the best of your recollection, does this document reflect the pre-launch documents you provided the team in advance of the launch? 49 MR. MELAMED: Objection. 40 Page 347 41 MR. MELAMED: You can put that identification as Myers Deposition 41 identification as Myers Deposition 42 Page 348 43 Q. I'm going to hand you what's been in advance of the launch? 44 MR. MELAMED: Objection. 45 MS. MAHONEY: Objection. 46 MS. MAHONEY: Objection. 47 MS. MAHONEY: Objection. 48 MS. MAHONEY: Objection. 49 MR. MELAMED: MR. MELAMED: MR. MELAMED:				
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18 marked Myers Exhibit 26. 18 THE WITNESS: I believe so.				
·				
27 DI WIK. WILLAWILD.				
20 a number of attachments. E-mail is from David 20 Q. Do you know the indication for				
21 Myers to a number of recipients, sent 21 buprenorphine Naloxone?				
22 February 25th, 2013, subject, "Buprenorphine 22 MS. ZOLNER: Objection, form.				
22 February 25th, 2013, subject, Buprenorphine 22 Ms. ZOLNER: Objection, form. 23 Naloxone Pre-launch Documents." The Bates range 23 THE WITNESS: I believe that it				-
24 is Acquired_Actavis_02048142. And, again, this 24 is treatment of opioid dependence.		_		
24 is acquired_actavis_02040142. And, again, tins 24 is treatment of opioid dependence.		is Acquired_Actavis_02040142. Alid, agaili, tills	44	is treatment of opioid dependence.

	Page 349		Page 350
1	BY MR. MELAMED:	1	document without doing that. Thank you
2	Q. If you look at page ending 146.	2	for asking.
3	MS. MAHONEY: Need to pause for a	3	BY MR. MELAMED:
4	minute. Do we know whether there is	4	Q. Do you see the promotional on
5	anybody on the telephone that is a	5	the page ending 146, there's a Promotional Plan?
6	representative from one of the companies	6	A. Yes.
7	as opposed to one of the outside	7	Q. Did you put together this
8	lawyers? This is a document marked	8	promotional plan?
9	highly confidential.	9	A. I believe I typed up the
10	MR. MELAMED: Fair enough. Is	10	document.
11	there anybody on the phone who is who	11	Q. Okay. And when you're talking
12	is employed by one of the companies and	12	about achieving market share of 50%, can you
13	not their outside counsel?	13	describe what you mean?
14	MS. MAHONEY: Okay. Hearing	14	A. Prior to a generic drug's launch,
15	silence, we'll proceed. I understand	15	we would look at the total market for brand
16	that somebody is maintaining attendance	16	sales. We would make an assumption of the
17	lists for people who attend these on the	17	number of participants, competitors in the
18	phone. We will reserve our rights to	18	market, and we would assume we would set a
19	address this issue if it turns out that	19	target for share based on the number of
20	somebody is improperly attending this	20	competitors and other market factors.
21	part of the deposition.	21	Q. Okay. And the target share,
22	MR. MELAMED: Fair enough. And	22	market share of 50% there is targeting 50% of
23	just to make clear, it is not my intent	23	the total US market for these specific strengths
24	to throw down a highly confidential	24	outlined on this page of the combination
	Page 351		Page 352
1	buprenorphine Naloxone; is that correct?	1	marketing?
2			
	MS. MAHONEY: Objection.	2	BY MR. MELAMED:
3	THE WITNESS: No.	3	Q. Do you recall whether Watson
4	THE WITNESS: No. BY MR. MELAMED:	3 4	Q. Do you recall whether Watson placed any advertisements in periodicals for
4 5	THE WITNESS: No. BY MR. MELAMED: Q. Please explain what it is.	3 4 5	Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?
4 5 6	THE WITNESS: No. BY MR. MELAMED: Q. Please explain what it is. MS. MAHONEY: Objection.	3 4 5 6	<ul><li>Q. Do you recall whether Watson</li><li>placed any advertisements in periodicals for</li><li>buprenorphine Naloxone?</li><li>A. I don't recall.</li></ul>
4 5 6 7	THE WITNESS: No. BY MR. MELAMED: Q. Please explain what it is. MS. MAHONEY: Objection. THE WITNESS: It is to achieve	3 4 5 6 7	<ul> <li>Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?</li> <li>A. I don't recall.</li> <li>Q. Do you recall whether there was a</li> </ul>
4 5 6 7 8	THE WITNESS: No.  BY MR. MELAMED:  Q. Please explain what it is.  MS. MAHONEY: Objection.  THE WITNESS: It is to achieve  50% of whatever the total market share	3 4 5 6 7 8	<ul> <li>Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?</li> <li>A. I don't recall.</li> <li>Q. Do you recall whether there was a direct mailing campaign by Watson to any doctors</li> </ul>
4 5 6 7 8 9	THE WITNESS: No.  BY MR. MELAMED:  Q. Please explain what it is.  MS. MAHONEY: Objection.  THE WITNESS: It is to achieve  50% of whatever the total market share for the United States goes generic. It	3 4 5 6 7 8 9	Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?  A. I don't recall.  Q. Do you recall whether there was a direct mailing campaign by Watson to any doctors concerning the launch of buprenorphine Naloxone?
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4 5 6 7 8 9 10	THE WITNESS: No.  BY MR. MELAMED:  Q. Please explain what it is.  MS. MAHONEY: Objection.  THE WITNESS: It is to achieve  50% of whatever the total market share for the United States goes generic. It would be 50% of generic products filled, not 50% of generic plus brand.	3 4 5 6 7 8 9 10	Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?  A. I don't recall.  Q. Do you recall whether there was a direct mailing campaign by Watson to any doctors concerning the launch of buprenorphine Naloxone?  A. I don't recall.  Q. Do you recall whether there were
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: No.  BY MR. MELAMED:  Q. Please explain what it is. MS. MAHONEY: Objection. THE WITNESS: It is to achieve 50% of whatever the total market share for the United States goes generic. It would be 50% of generic products filled, not 50% of generic plus brand.  BY MR. MELAMED: Q. Understood. Do you recall whether you undertook any marketing, and by "you" here I mean anyone at Watson; do you recall? MS. ZOLNER: Objection.  BY MR. MELAMED: Q. Whether Watson undertook any marketing of the combination buprenorphine	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?  A. I don't recall. Q. Do you recall whether there was a direct mailing campaign by Watson to any doctors concerning the launch of buprenorphine Naloxone? A. I don't recall. Q. Do you recall whether there were any promotional activities undertaken by distributors of Actavis' availability of Actavis' buprenorphine Naloxone?  MS. MAHONEY: Objection.  THE WITNESS: I don't recall.  BY MR. MELAMED: Q. If you look at the bullets point on page 4 of this page at 8146 it says "Initial Target market to include" and then it lists an
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: No.  BY MR. MELAMED:  Q. Please explain what it is. MS. MAHONEY: Objection. THE WITNESS: It is to achieve 50% of whatever the total market share for the United States goes generic. It would be 50% of generic products filled, not 50% of generic plus brand.  BY MR. MELAMED: Q. Understood. Do you recall whether you undertook any marketing, and by "you" here I mean anyone at Watson; do you recall? MS. ZOLNER: Objection.  BY MR. MELAMED: Q. Whether Watson undertook any marketing of the combination buprenorphine Naloxone?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you recall whether Watson placed any advertisements in periodicals for buprenorphine Naloxone?  A. I don't recall. Q. Do you recall whether there was a direct mailing campaign by Watson to any doctors concerning the launch of buprenorphine Naloxone?  A. I don't recall. Q. Do you recall whether there were any promotional activities undertaken by distributors of Actavis' availability of Actavis' buprenorphine Naloxone?  MS. MAHONEY: Objection.  THE WITNESS: I don't recall.  BY MR. MELAMED: Q. If you look at the bullets point on page 4 of this page at 8146 it says "Initial Target market to include" and then it lists an initial target market.
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	Page 353		Page 354
1	THE WITNESS: Yes.	1	BY MR. MELAMED:
2	BY MR. MELAMED:	2	Q. And just to be clear, my
3	Q. Do you recall whether Watson did	3	questions and your answers here concern
4	anything to reach out to any of the entities	4	buprenorphine Naloxone, correct?
5	listed in the initial target market?	5	A. Yes.
6	MS. MAHONEY: Objection.	6	Q. I'm sorry if I left that off.
7	MS. ZOLNER: Objection, form.	7	And the third bullet point says, "Offer letters
8	Objection, foundation.	8	for the initial target customers will be sent by
9	THE WITNESS: We would have	9	marketing/pricing."
10	reached out to our salesmen to contact	10	Do you see that?
11	their customers and announce the	11	A. Yes.
12	availability of the product and gather	12	Q. Do you recall whether such offer
13	whether they would be interested in	13	letters were sent?
14	purchasing from us.	14	A. I believe they were.
15	BY MR. MELAMED:	15	Q. Do you know who sent them?
16	Q. Would you would Watson have	16	A. I believe it was me.
17	undertaken the same activities with respect to	17	Q. Do you know how many of them you
18	what are referred to in the second bullet point	18	sent?
19	as "other targets"?	19	A. I don't recall.
20	MS. ZOLNER: Objection, form.	20	Q. Do you recall how many
21	MS. MAHONEY: Objection.	21	approximately how many initial target customers
22	MS. ZOLNER: Objection,	22	were included in that fourth bullet point?
23	foundation.	23	A. I don't recall.
24	THE WITNESS: They may.	24	Q. Do you recall whether it was
	Page 355		Page 356
1	fewer than 100?	1	Q. Do you recall any negotiations
1 2	fewer than 100?  A. It was most definitely fewer than	1 2	Q. Do you recall any negotiations about pricing with any concerning
2	A. It was most definitely fewer than	2	about pricing with any concerning
2 3	A. It was most definitely fewer than 100.	2 3	about pricing with any concerning buprenorphine Naloxone?
2 3 4	<ul><li>A. It was most definitely fewer than</li><li>100.</li><li>Q. So the target customers there</li></ul>	2 3 4	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course
2 3 4 5	A. It was most definitely fewer than 100.  Q. So the target customers there we're talking about national chains, small	2 3 4 5	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course of business, but I am not part of those
2 3 4 5 6	A. It was most definitely fewer than 100.  Q. So the target customers there we're talking about national chains, small chains, nonwarehousing chains, large	2 3 4 5 6	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course of business, but I am not part of those negotiations.
2 3 4 5 6 7	A. It was most definitely fewer than 100.  Q. So the target customers there we're talking about national chains, small chains, nonwarehousing chains, large wholesalers, regional wholesalers, distributors,	2 3 4 5 6 7	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course of business, but I am not part of those negotiations.  MR. MELAMED: Let's go off the
2 3 4 5 6 7 8	A. It was most definitely fewer than 100.  Q. So the target customers there we're talking about national chains, small chains, nonwarehousing chains, large wholesalers, regional wholesalers, distributors, GPOs, for instance?	2 3 4 5 6 7 8	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course of business, but I am not part of those negotiations.  MR. MELAMED: Let's go off the record, please.  THE VIDEOGRAPHER: The time is 4:23 p.m. We're going off the record.
2 3 4 5 6 7 8	A. It was most definitely fewer than 100.  Q. So the target customers there we're talking about national chains, small chains, nonwarehousing chains, large wholesalers, regional wholesalers, distributors, GPOs, for instance?  MS. ZOLNER: Objection to form.	2 3 4 5 6 7 8	about pricing with any concerning buprenorphine Naloxone?  A. Negotiations happen as a course of business, but I am not part of those negotiations.  MR. MELAMED: Let's go off the record, please.  THE VIDEOGRAPHER: The time is 4:23 p.m. We're going off the record.  (Brief recess.)
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	Page 357		Page 358
1	A. I do.	1	their attorneys asks you to appear live to
2	Q. You understand that is the same	2	testify before the jury at trial, that you will
3	oath that you will take if you end up testifying	3	comply with that request, just as you've
4	as a witness at the trial of this case?	4	complied with the request to come and testify
5	A. I do.	5	today?
6	Q. I assume you're here today	6	MS. ZOLNER: Objection.
7	voluntarily, meaning nobody served you with a	7	MS. MAHONEY: Objection.
8	subpoena compelling your attendance?	8	THE WITNESS: I believe so, yes.
9	A. No, I don't	9	BY MR. KIEFFER:
10	MS. MAHONEY: Objection.	10	Q. Okay. And the reason I ask that
11	THE WITNESS: I don't believe so.	11	you're aware your testimony is being videotaped
12	BY MR. KIEFFER:	12	today?
13	Q. I'm assuming your employer or	13	A. Yes.
14	somebody, their attorneys told you your	14	Q. Okay. If a jury has to watch a
15	deposition had been requested and asked that you	15	videotape of your testimony, instead of having
16	come today?	16	the benefit of seeing and hearing from you live,
17	A. Yes, I believe so.	17	I want them to understand it's not because of
18		18	
19	Q. And you complied? A. Yes.	19	anything the plaintiffs have done and that you
20		20	certainly are willing to come and appear live if asked; fair enough?
	Q. That's why we're all here, right? A. Yes.	21	
21			MS. ZOLNER: Objection.
22	Q. Okay. The trial of this case is	22	MS. MAHONEY: Objection.
23	set in Cleveland, Ohio. Can I assume that if	23	THE WITNESS: Yes.
24	your employer or somebody on their behalf, like	24	BY MR. KIEFFER:
	Dama 350		- 040
	Page 359		Page 360
1	Q. Okay. Just to make sure I'm	1	Q. Okay. And you also reviewed some
1 2		1 2	
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2	Q. Okay. Just to make sure I'm clear, you're represented here today by two	2	Q. Okay. And you also reviewed some documents to prepare for your testimony today;
2 3	Q. Okay. Just to make sure I'm clear, you're represented here today by two attorneys?	2 3	Q. Okay. And you also reviewed some documents to prepare for your testimony today; is that correct?
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Page 361 Page 362 1 follow-ups for you on that in a minute, but we 1 Q. Okay. I assume you drafted the 2 won't jump ahead to that until we cover a couple 2 information in terms of your job title, the 3 3 of other topics, okay? positions you've held and, in particular, this material marked "Summary"; is that correct? 4 A. Okay. 4 5 I want to ask you a couple of 5 MS. MAHONEY: Objection. Q. 6 brief questions about your background. I'm not 6 THE WITNESS: Yes. 7 going to go back through your resume or your CV. 7 BY MR. KIEFFER: 8 (Document marked for 8 Q. Okay. Under the Summary I want 9 9 identification as Myers Deposition to ask you just a few things there. You 10 10 Exhibit No. 27.) indicate that you're an energetic senior project 11 11 manager skilled in all facets of generic BY MR. KIEFFER: 12 12 pharmaceutical product management including Q. But let me hand you what we have 13 marked as Exhibit 27. That's just something we 13 product lifecycle management, new product 14 printed off the internet, which I think is your 14 launch, marketing research, revenue projection 15 LinkedIn profile. 15 and demand forecasting. 16 16 Does that look like what it is to Did I read that all correctly? 17 you? 17 A. Yes, well, except for you called 18 18 me a project manager, and I am a product A. Yes, it appears to be. 19 Q. Okay. That is, I assume --19 manager. 20 20 MR. RUANE: I'm sorry, I need to Q. Thank you. I meant to say 21 ask for one back. I didn't have an 21 product, but in my haste, I misspoke. So thanks 22 extra copy. I apologize. 22 for clarifying the record. 23 MS. ZOLNER: Sure. 23 You go on to state there, 24 BY MR. KIEFFER: 24 "recognized for developing unique corporate and Page 363 Page 364 1 product advertising/promotional materials," 1 that question. 2 2 correct? BY MR. KIEFFER: 3 3 A. Yes. Q. Yeah, I don't want to get us 4 0. What sorts of things are those? 4 bogged down, but a sell sheet, for example, I 5 Are they things like, for example, PowerPoints? 5 think you said in your earlier testimony, those 6 MS. MAHONEY: Objection. 6 typically, in your experience, at least at 7 7 THE WITNESS: It could be nearly Actavis and later Teva, those are things that 8 anything that's used for marketing the 8 very often advertise or provide information on a 9 9 specific product, and they are materials that company or marketing a product. It 10 could range as simple as a product ad, a 10 either a member of the sales force might leave 11 corporate awareness ad, websites and 11 behind after calling on a doctor or perhaps 12 trade show materials, including booth 12 would be handed out at a trade show, things like 13 design. 13 that? 14 BY MR. KIEFFER: 14 MS. MAHONEY: Objection, 15 15 Q. Things that go by the name sell mischaracterizes the testimony. 16 16 sheets would be included among those? MS. ZOLNER: Objection, form. 17 A. Those might be, yes. 17 THE WITNESS: Sell sheets are 18 Those are what are sometimes 18 used to promote a product. It's the --O. 19 referred to as like a salesman's leave-behind 19 I have -- I take issue with your 20 20 device that a drug representative might leave characterization that it's left at 21 behind with a doctor or prescriber they're 21 doctors' offices. As generics, as a 22 22 calling on? rule, we do not contact doctors 23 MS. MAHONEY: Objection. 23 directly, primarily, as a rule for our 24 THE WITNESS: Could you repeat 24 products.

	Page 365		Page 366
1	BY MR. KIEFFER:	1	over with the physicians when they were talking
2	Q. As a rule with certain very	2	about the oxymorphone product, correct?
3	notable exceptions, for example, the oxymorphone	3	MS. MAHONEY: Objection,
4	launch that was talked about earlier today and	4	mischaracterizes the testimony.
5	perhaps others, right?	5	THE WITNESS: Yes.
6	MS. ZOLNER: Objection to form.	6	BY MR. KIEFFER:
7	MS. MAHONEY: Objection.	7	Q. Okay. Electronic advertising
8	THE WITNESS: That was an	8	materials would also be the kind of thing that
9	exception to a standard course of	9	you have created to build awareness of a
10	business.	10	particular product?
11	BY MR. KIEFFER:	11	MS. ZOLNER: Objection, form.
12	Q. Okay. And certainly in that	12	THE WITNESS: Yes.
13	instance, I think, and we can look at the e-mail	13	BY MR. KIEFFER:
14	here in a moment, so I don't misquote it, but in	14	Q. Okay. Let me let me continue
15	that instance, I think there was there were	15	on here. You indicate 20 years experience in
16	specific pieces mailed to the physicians	16	the genetic I'm sorry in the generic
17	MS. ZOLNER: Objection, form.	17	pharmaceuticals industry with 15-year
18	BY MR. KIEFFER:	18	concentration on product management and
19	Q in a two-wave mailing.	19	communications, correct?
20	MS. ZOLNER: Objection, form.	20	A. Yes.
21	THE WITNESS: I believe so.	21	Q. Is it true that really your
22	BY MR. KIEFFER:	22	entire career in the pharmaceutical business has
23	Q. Okay. And then the Kadian sales	23	been spent with respect to focusing on
24	force also brought materials with them to go	24	generic products versus brand products?
	Page 367		Page 368
1	A. Yes.	1	THE WITNESS: Our salesmen would
2	Q. Okay. So whatever marketing and	2	use this.
3	advertising and promotional type activities you	3	BY MR. KIEFFER:
4	may be engaged in and marketing and advertising	4	Q. So, as an example, one example at
5	1		
	and promotional type materials you may have a	5	least, the oxymorphone product that we talked
6	hand in developing would typically all relate to	6	least, the oxymorphone product that we talked about, the launch of that product and the
7	hand in developing would typically all relate to the generic side of the business as opposed to	6 7	least, the oxymorphone product that we talked about, the launch of that product and the follow-up marketing of that product?
7 8	hand in developing would typically all relate to the generic side of the business as opposed to the branded side, correct?	6 7 8	least, the oxymorphone product that we talked about, the launch of that product and the follow-up marketing of that product?  MS. MAHONEY: Objection.
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	Page 369		Page 370
1	THE WITNESS: It appears to be	1	employee?
2	that way from this deposition, the	2	A. When Teva purchased Actavis.
3	content in it, but at the time that I	3	Q. Okay. And that date, just for
4	was doing advertising, it was only a	4	our record, was when?
5	portion of my responsibilities. I also	5	A. I don't remember exactly. It's
6	managed a product line.	6	been about two years. I think I have on here
7	BY MR. KIEFFER:	7	August 2016, that sounds about right, without
8		8	having an exact date.
	Q. No, no, understood. And I don't	9	_
9	mean to give short shrift to that, but,		Q. And prior to that for about 17
10	certainly, it's a portion of your	10	years, at least according to your LinkedIn, you
11	responsibility?	11	worked for Actavis?
12	MS. MAHONEY: Objection.	12	A. Yes, I think it was longer than
13	THE WITNESS: It was.	13	that, actually. I've been with the company that
14	BY MR. KIEFFER:	14	has become Teva through many mergers and
15	Q. It's an important portion, true?	15	acquisitions for 25 years as of last October.
16	MS. ZOLNER: Objection, form.	16	Q. Okay, thank you. I think you
17	MS. MAHONEY: Objection.	17	testified earlier that when Teva acquired
18	THE WITNESS: It was a portion of	18	Actavis, you had a bit of a title change; is
19	my responsibilities.	19	that fair?
20	BY MR. KIEFFER:	20	A. Yes.
21	Q. Okay. You have been at Teva for	21	Q. Your LinkedIn profile, assuming
22	a little over two years?	22	that it's accurate, forgive me, I'm going to
23	A. Yes.	23	move the cords here a little bit, indicates
24	Q. When did you become a Teva	24	that let's see here well, why don't you
	Daga 271		
	Page 371		Page 372
1	just tell me versus me trying to piece it	1	Page 372 assuming the fundamental nature of your work and
1 2		1 2	
	just tell me versus me trying to piece it		assuming the fundamental nature of your work and
2	just tell me versus me trying to piece it together, what was your last title while you	2	assuming the fundamental nature of your work and the skill sets you would deploy on a daily basis
2 3	just tell me versus me trying to piece it together, what was your last title while you were an Actavis employee and your first title	2	assuming the fundamental nature of your work and the skill sets you would deploy on a daily basis really didn't change very much, if at all, fair?
2 3 4	just tell me versus me trying to piece it together, what was your last title while you were an Actavis employee and your first title after you became a Teva employee?	2 3 4	assuming the fundamental nature of your work and the skill sets you would deploy on a daily basis really didn't change very much, if at all, fair?  MS. MAHONEY: Objection.
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	Page 373		Page 374
1	MS. MAHONEY: Objection.	1	BY MR. KIEFFER:
2	THE WITNESS: There is an entire	2	Q. A major job change in terms of
3	product market not product marketing,	3	what, reporting structure?
4	but marketing communications team at	4	A. Well, reporting structure,
5	Teva.	5	location
6	BY MR. KIEFFER:	6	Q. Okay.
7	Q. Okay. And who heads up that	7	A direction I wanted my career
8	team?	8	to go in, many things.
9	A. I'm forgetting her name.	9	Q. What's the what would be
10	Q. Who is on the team?	10	what would the location change have been?
11	A. There are several people that do	11	A. I work in Parsippany, New Jersey,
12	various things. Ashley Maul(ph.) is one.	12	and the current marketing communications people
13	Patrick Mullaney is another, and there's another	13	are in Horsham, Pennsylvania.
14	woman that they report to, Suzanne someone or	14	Q. Okay. So that was one of the
15	other. I don't remember her name.	15	reasons; you liked where you were?
16	Q. Is there a reason that you don't	16	A. Well, let me clarify something.
17	do advertising at Teva?	17	I never considered it, nor was anything offered
18	MS. MAHONEY: Objection.	18	for me to go into communications. My job
19	THE WITNESS: I don't do	19	changed, and I accepted that and was happy with
20	advertising because I chose not to go in	20	the change.
21	that vein, and I chose to focus on	21	Q. Okay. You're in product
22	product management. It would have	22	management at Teva. What products do you
23	required a major job change for me to do	23	manage?
24	that, and I chose not to do that.	24	A. I manage a plethora of products,
	Page 375		Page 376
1			
	all prescription generics.	1	the world?
2	all prescription generics.  Q. Okay. Some of them opioid	1 2	MS. MAHONEY: Objection.
			MS. MAHONEY: Objection. THE WITNESS: Based on providing
2	Q. Okay. Some of them opioid	2	MS. MAHONEY: Objection. THE WITNESS: Based on providing patients with product, not based on
2	<ul><li>Q. Okay. Some of them opioid medications?</li><li>A. Some.</li><li>Q. What opioid medications?</li></ul>	2 3	MS. MAHONEY: Objection. THE WITNESS: Based on providing patients with product, not based on based on volume, not based on dollars.
2 3 4 5 6	<ul> <li>Q. Okay. Some of them opioid medications?</li> <li>A. Some.</li> <li>Q. What opioid medications?</li> <li>MS. MAHONEY: Objection.</li> </ul>	2 3 4	MS. MAHONEY: Objection.  THE WITNESS: Based on providing patients with product, not based on based on volume, not based on dollars.  BY MR. KIEFFER:
2 3 4 5	<ul> <li>Q. Okay. Some of them opioid medications?</li> <li>A. Some.</li> <li>Q. What opioid medications?</li> <li>MS. MAHONEY: Objection.</li> <li>THE WITNESS: I believe</li> </ul>	2 3 4 5	MS. MAHONEY: Objection. THE WITNESS: Based on providing patients with product, not based on based on volume, not based on dollars. BY MR. KIEFFER: Q. Okay. So in terms of patients
2 3 4 5 6 7 8	<ul> <li>Q. Okay. Some of them opioid medications?</li> <li>A. Some.</li> <li>Q. What opioid medications?</li> <li>MS. MAHONEY: Objection.</li> <li>THE WITNESS: I believe buprenorphine Naloxone is one of them.</li> </ul>	2 3 4 5 6 7 8	MS. MAHONEY: Objection.  THE WITNESS: Based on providing patients with product, not based on based on volume, not based on dollars.  BY MR. KIEFFER:  Q. Okay. So in terms of patients taking generic pharmaceuticals, more patients
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	Page 377		Page 378
1	BY MR. KIEFFER:	1	Q. Okay. When you were at Actavis,
2	Q. Okay. Teva indicates on its	2	just prior to its acquisition by Teva, were
3	website that one-in-seven of the 3.86 billion	3	you do you know what Actavis' share of the US
4	generic prescriptions written in the United	4	generic market was?
5	States is filled with a Teva product.	5	A. I don't
6	Is that consistent with your	6	MS. MAHONEY: Objection.
7	understanding?	7	THE WITNESS: I don't recall.
8	MS. MAHONEY: Objection.	8	BY MR. KIEFFER:
9	THE WITNESS: I have no basis for	9	Q. Do you recall when Teva acquired
10	the actual number.	10	Actavis what its share of the US generic market
11	BY MR. KIEFFER:	11	became?
12		12	
13	Q. Okay. Sound out of line to you?	13	MS. MAHONEY: Objection. THE WITNESS: I don't recall.
	MS. MAHONEY: Objection.	14	
14	THE WITNESS: I have no basis for		BY MR. KIEFFER:
15	the actual number.	15	Q. Or the US opioid market?
16	BY MR. KIEFFER:	16	MS. MAHONEY: Objection.
17	Q. Okay. I mean, if we were if	17	MS. ZOLNER: Objection, form.
18	we were to do calculate a percentage as to	18	THE WITNESS: I don't recall.
19	what one-in-seven is, does that sound right to	19	BY MR. KIEFFER:
20	you, or do you know?	20	Q. If you were asked whether Teva
21	MS. MAHONEY: Objection.	21	has 20% or more of the US opioid market, do you
22	THE WITNESS: I don't know. I	22	have any idea whether that's correct or not?
23	have no basis for that number.	23	MS. MAHONEY: Objection.
24	BY MR. KIEFFER:	24	THE WITNESS: I would have no
	Page 379		Page 380
1	idea.	1	Actavis doing marketing communications work,
2	BY MR. KIEFFER:	2	some of which focused on generic opioids, you
3	Q. You're aware of the fact, I	3	never gave a thought to how much of the US
4	assume, that generic opioids make up the	4	opioid market was for a generic product such as
5	substantial majority of the US market versus	5	Actavis made versus branded products?
6	branded?	6	MS. MAHONEY: Objection.
7	MS. MAHONEY: Objection.	7	THE WITNESS: I provided
8	THE WITNESS: Could you repeat	8	advertising and collateral materials for
9	the question, please.	9	our full product line. Opioids were a
10	BY MR. KIEFFER:	10	very from a product volume of work
11	Q. Yeah. You're aware of the fact,	11	that I had to do, opiates were a very
12	I assume, that generic opioids make up a	12	small part, so that's why I did not
13		13	bother to quantify that.
14	substantial majority of the US market versus branded opioids?	14	BY MR. KIEFFER:
15	-	15	
	MS. MAHONEY: Objection stands.		Q. As a part of your workload is
16	THE WITNESS: I'm not aware of	16	what you're saying, how you spent your time?
17	that.	17	MS. MAHONEY: Objection. THE WITNESS: I handled for a
18	BY MR. KIEFFER:	18	
19	Q. You've never heard that before?	19	time all advertising projects, and
2.0		20	product advertising related to opioids
20	A. No.		**************************************
21	Q. You have a belief to the	21	was very small compared to the entire
21 22	Q. You have a belief to the contrary?	21 22	excuse me entire workload.
21 22 23	<ul><li>Q. You have a belief to the contrary?</li><li>A. I've never given it thought.</li></ul>	21 22 23	excuse me entire workload. BY MR. KIEFFER:
21 22	Q. You have a belief to the contrary?	21 22	excuse me entire workload.

	Page 381		Page 382
1	A. Yes, my workload.	1	advertising and promotional materials at Actavis
2	Q. You're not referencing, for	2	to try to get a sense of whether a particular
3	example, the amount that generic opioids	3	product or products that you were promoting was
4	contributed to Actavis' gross revenues or gross	4	a 1% contributor to sales or a 30% contributor
5	sales each year, correct?	5	to sales?
6	A. That was not a concern for me in	6	MS. ZOLNER: Objection to form.
7	my capacity.	7	MS. MAHONEY: Objection.
8	Q. Okay. In your capacity when you	8	THE WITNESS: As a product
9	were at Actavis, did it ever come to your	9	manager, I would certainly be aware of
10	attention that generic opioid sales were a	10	the largest products in my line. I
11	substantial contributor to Actavis' annual	11	might not be aware of the major products
12	sales?	12	for the company overall.
13	MS. ZOLNER: Objection to form.	13	BY MR. KIEFFER:
14	MS. MAHONEY: Objection.	14	Q. Okay. And specifically with
15	THE WITNESS: I don't know that	15	respect to generic opioids in your time at
16	to be true.	16	Actavis, is it your testimony you have no idea
17	BY MR. KIEFFER:	17	whether generic opioids were a significant,
18	Q. Do you know anything about it one	18	average or tiny contributor to annual sales?
19	way or the other?	19	MS. ZOLNER: Objection to form.
20	MS. ZOLNER: Objection, form.	20	MS. MAHONEY: Objection.
21	THE WITNESS: No.	21	THE WITNESS: I would have no
22	BY MR. KIEFFER:	22	idea of their contribution towards the
23	Q. Was it ever a part of your job or	23	total, overall revenue of the company.
24	your thinking when you were working on	24	BY MR. KIEFFER:
	Page 383		D 204
	1490 303		Page 384
1	Q. None at all?	1	with you. It's a point of curiosity for me. It
1 2		1 2	
	Q. None at all?		with you. It's a point of curiosity for me. It
2	<ul><li>Q. None at all?</li><li>A. Not that I</li></ul>	2	with you. It's a point of curiosity for me. It seems like as a product manager, one of the
2	Q. None at all? A. Not that I MS. MAHONEY: Objection. THE WITNESS: Not that I recall. BY MR. KIEFFER:	2 3	with you. It's a point of curiosity for me. It seems like as a product manager, one of the things you would get evaluated on is how well
2 3 4	<ul><li>Q. None at all?</li><li>A. Not that I MS. MAHONEY: Objection. THE WITNESS: Not that I recall.</li></ul>	2 3 4	with you. It's a point of curiosity for me. It seems like as a product manager, one of the things you would get evaluated on is how well are you managing your product, right, sounds
2 3 4 5	Q. None at all? A. Not that I MS. MAHONEY: Objection. THE WITNESS: Not that I recall. BY MR. KIEFFER: Q. Even though you were a product manager who managed certain generic opioid	2 3 4 5	with you. It's a point of curiosity for me. It seems like as a product manager, one of the things you would get evaluated on is how well are you managing your product, right, sounds kind of axiomatic?  A. Yes.  Q. And one of the things, a
2 3 4 5 6	Q. None at all? A. Not that I MS. MAHONEY: Objection. THE WITNESS: Not that I recall. BY MR. KIEFFER: Q. Even though you were a product	2 3 4 5 6	with you. It's a point of curiosity for me. It seems like as a product manager, one of the things you would get evaluated on is how well are you managing your product, right, sounds kind of axiomatic?  A. Yes.
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	Page 385		Page 386
1	so much that we end up throwing product	1	MS. MAHONEY: Objection.
2	away. That is a major portion.	2	MS. ZOLNER: Objection, form.
3	Forecast accuracy is 25% of my	3	MS. MAHONEY: Foundation.
4	annual review. It continues to be so	4	THE WITNESS: It's the successful
5	every year for for years and years.	5	management of my entire product line,
6	So to say that we are focused	6	not just specific products within that
7	more like a brand, where a brand team	7	product line. It is not pulled those
8	would have one product and they work on	8	products are not pulled out separately
9	it, I think that I probably manage over	9	in my performance review.
10	100 product families, and I do not know	10	BY MR. KIEFFER:
11	the specific budget for nearly any of	11	Q. But you won awards, for example,
12	them.	12	the award that went by the name of sell more
13	BY MR. KIEFFER:	13	products faster at higher prices, you won a
14	Q. Okay. Well, thank you. You	14	specific award for your work on the oxymorphone
15	covered a lot there, a lot of which in the	15	launch with respect to that; did you not?
16	interest of time is respectfully not of interest	16	MS. MAHONEY: Objection.
17	to me, but I appreciate the information.	17	MS. ZOLNER: Objection, form.
18	You said, though, at the	18	THE WITNESS: I believe that was
19	beginning of that that my responsibilities at	19	in an e-mail that we reviewed earlier.
20	Actavis and how I'm viewed at doing my job are	20	BY MR. KIEFFER:
21	not based entirely on profitable high-ranking	21	Q. Right. I mean, that's a that
22	products, okay. A part of how you were	22	looks to me like kind of a big feather in your
23	evaluated had to do with the success and the	23	cap.
24	profitability of the products you managed, fair?	24	Is that how you viewed it?
	Page 387		
	rage 507		Page 388
1	MS. ZOLNER: Objection, form.	1	Page 388 for example, launches a new product or engages
1 2	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection.	1 2	
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2	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: I viewed it as I wouldn't say it was necessarily a	2	for example, launches a new product or engages in marketing related activities that sales and
2 3	MS. ZOLNER: Objection, form. MS. MAHONEY: Objection. THE WITNESS: I viewed it as I wouldn't say it was necessarily a feather in my cap, but it certainly was	2 3	for example, launches a new product or engages in marketing related activities that sales and profits are not a goal, they're merely a byproduct?  MS. MAHONEY: Objection.
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1 can go through the only context you need for this question, sir, is the page that's in front of you.  4 Q. All right. If you turn to the first and we have placed these were not individually page numbered as they were produced to us. So we have supplied page numbering in the upper right-hand corner, okay? I'm just going to refer you to a few of those pages, okay?  A. Okay.  1 can go through the only context you need for this question, sir, is the page that's in front of you.  4 MS. MAHONEY: That's your impression. He can take the time he needs to get context.  5 BY MR. KIEFFER:  8 Usually the document in context.  9 Q. Well, and, respectfully, my question, sir, wasn't the document in context.  10 Okay?  10 My question was in your time at Actavis, the goal of the marketing department was, in fact.  11 Q. All right. Page 2, which is really the first substantive page after the that's in front of you.  12 MS. MAHONEY: That's your impression. He can take the time he needs to get context.  13 Ry MR. KIEFFER:  14 Q. Well, and, respectfully, my question, sir, wasn't the document in context.  15 My question was in your time at Actavis, the goal of the marketing department was, in fact.  16 My question was in your time at Actavis, the maximizing profit, as stated here on page 2 of this exhibit?	24	did you create this?	24	time, correct?
1 can go through the only context you need for this question, sir, is the page that's in front of you.  2 Page 1				
THE WITNESS: Yes.  THE WITNESS: Yes.  Read for this question, sir, is the page that's in front of you.  All right. If you turn to the first and we have placed these were not impression. He can take the time he needs to get context.  BY MR. KIEFFER:  CY Well, and, respectfully, my question, sir, wasn't the document in context.  CY Well, and, respectfully, my question, sir, wasn't the document in context.  CY Well, and respectfully, my question, sir, wasn't the document in context.  CY Well and respectfully, my question was in your time at Actavis, the goal of the marketing department was, in fact maximizing profit, as stated here on page 2 of this exhibit?		Page 391		Page 392
3 BY MR. KIEFFER: 4 Q. All right. If you turn to the 5 first and we have placed these were not 6 individually page numbered as they were produced 7 to us. So we have supplied page numbering in 8 the upper right-hand corner, okay? I'm just 9 going to refer you to a few of those pages, 10 okay? 10 A. Okay. 11 A. Okay. 12 Q. All right. Page 2, which is 13 that's in front of you. 4 MS. MAHONEY: That's your 5 impression. He can take the time he 6 needs to get context. 7 BY MR. KIEFFER: 8 Q. Well, and, respectfully, my 9 question, sir, wasn't the document in context. 10 My question was in your time at Actavis, the 11 A. Okay. 12 maximizing profit, as stated here on page 2 of 13 really the first substantive page after the 13 that's in front of you. 4 MS. MAHONEY: That's your 5 impression. He can take the time he 6 needs to get context. 7 BY MR. KIEFFER: 8 Use of the can take the time he 9 needs to get context. 9 Q. Well, and, respectfully, my 9 question, sir, wasn't the document in context. 10 maximizing profit, as stated here on page 2 of 11 this exhibit?	1	MS. MAHONEY: Objection.	1	
4 Q. All right. If you turn to the 5 first and we have placed these were not 6 individually page numbered as they were produced 7 to us. So we have supplied page numbering in 8 the upper right-hand corner, okay? I'm just 9 going to refer you to a few of those pages, 10 okay? 11 A. Okay. 12 Q. All right. Page 2, which is 13 really the first substantive page after the 4 MS. MAHONEY: That's your 5 impression. He can take the time he 6 needs to get context. 7 BY MR. KIEFFER: 8 Q. Well, and, respectfully, my 9 question, sir, wasn't the document in context. 10 My question was in your time at Actavis, the 11 goal of the marketing department was, in fact. 12 maximizing profit, as stated here on page 2 of this exhibit?	2		2	
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10 okay?  11 A. Okay.  12 Q. All right. Page 2, which is 13 really the first substantive page after the  10 My question was in your time at Actavis, the 11 goal of the marketing department was, in fact. 12 maximizing profit, as stated here on page 2 of this exhibit?				
11 A. Okay.  12 Q. All right. Page 2, which is 13 really the first substantive page after the 11 goal of the marketing department was, in fact maximizing profit, as stated here on page 2 of this exhibit?				_
12 Q. All right. Page 2, which is 12 maximizing profit, as stated here on page 2 of 13 really the first substantive page after the 13 this exhibit?				• •
13 really the first substantive page after the 13 this exhibit?	1 11	•		
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	13 14	neading of that sinde is "Marketing Goal -		
	13 14 15			
	13 14 15 16	Maximizing Profit," correct?	16	_
	13 14 15 16 17	Maximizing Profit," correct?  A. Yes.	17	company is to maximize profit. The goal
	13 14 15 16 17 18	Maximizing Profit," correct?  A. Yes.  Q. And, in fact, that was the goal	17 18	company is to maximize profit. The goal as me of product manager would have
	13 14 15 16 17 18 19	Maximizing Profit," correct?  A. Yes. Q. And, in fact, that was the goal of the marketing department at the time you were	17 18 19	company is to maximize profit. The goal as me of product manager would have contribution to that, but I would not be
	13 14 15 16 17 18 19 20	Maximizing Profit," correct?  A. Yes.  Q. And, in fact, that was the goal of the marketing department at the time you were at Actavis, true?	17 18 19 20	company is to maximize profit. The goal as me of product manager would have contribution to that, but I would not be the only person that has or the only
	13 14 15 16 17 18 19 20 21	Maximizing Profit," correct?  A. Yes. Q. And, in fact, that was the goal of the marketing department at the time you were at Actavis, true?  MS. MAHONEY: Objection. You can	17 18 19 20 21	company is to maximize profit. The goal as me of product manager would have contribution to that, but I would not be the only person that has or the only department that has input into launching
	13 14 15 16 17 18 19 20 21 22	Maximizing Profit," correct?  A. Yes. Q. And, in fact, that was the goal of the marketing department at the time you were at Actavis, true?  MS. MAHONEY: Objection. You can also take as much time as you need to	17 18 19 20 21 22	company is to maximize profit. The goal as me of product manager would have contribution to that, but I would not be the only person that has or the only department that has input into launching products and having a profitable
	13 14 15 16 17 18 19 20 21	Maximizing Profit," correct?  A. Yes. Q. And, in fact, that was the goal of the marketing department at the time you were at Actavis, true?  MS. MAHONEY: Objection. You can	17 18 19 20 21	company is to maximize profit. The goal as me of product manager would have contribution to that, but I would not be the only person that has or the only department that has input into launching

	Page 393		Page 394
1	Q. Fair enough. And I actually I	1	you think I'm at all in the ballpark, is that it
2	don't think we disagree on that.	2	is either the goal of the marketing department
3	You testified the goal of the	3	at Actavis, the goal of all marketing activities
4	company was to maximize profit, true?	4	at Actavis or both to maximize profit?
5	MS. ZOLNER: Objection.	5	MS. MAHONEY: Objection.
6	THE WITNESS: The goal of any	6	THE WITNESS: I think our
7	company is to be profitable.	7	activities contribute to profit.
8	BY MR. KIEFFER:	8	BY MR. KIEFFER:
9	Q. There's a difference, I think,	9	Q. Okay. And without meaning to
10	between being profitable and having your central	10	spend unnecessary time on this or to argue with
11	goal as maximizing profit. Appreciate that	11	you, because I don't mean to do either, this
12	distinction?	12	doesn't say marketing goal contribute to profit,
13	MS. MAHONEY: Objection.	13	it says maximizing profit; does it not?
14	THE WITNESS: I think that's a	14	MS. MAHONEY: The document speaks
15	mischaracterization of what's here.	15	for itself.
16	BY MR. KIEFFER:	16	THE WITNESS: The document says
17	Q. Okay. Let me stick then with	17	what the document says.
18	what's here.	18	BY MR. KIEFFER:
19	This states "Marketing Goal -	19	Q. Okay. And, again, this is a
20	Maximizing Profit." Do you understand what take	20	document that you may have created; you're not
21	phrase means?	21	certain whether you did or not?
22	-	22	MS. ZOLNER: Objection.
	* ′	23	MS. MAHONEY: Objection.
23 24	yes.  Q. My interpretation, and tell me if	24	MS. ZOLNER: Asked and answered.
24	Q. My interpretation, and tell me if	24	MS. ZOLNER. Asked and answered.
	Page 395		Page 396
			rage 370
1	THE WITNESS: I'm not certain if	1	
1 2		1 2	THE WITNESS: I may have had a piece in creating it. My piece may have
	THE WITNESS: I'm not certain if		THE WITNESS: I may have had a piece in creating it. My piece may have
2	THE WITNESS: I'm not certain if I had input or not.	2	THE WITNESS: I may have had a
2 3	THE WITNESS: I'm not certain if I had input or not. BY MR. KIEFFER:	2 3	THE WITNESS: I may have had a piece in creating it. My piece may have been just taking somebody else's work and putting it into PowerPoint without
2 3 4	THE WITNESS: I'm not certain if I had input or not. BY MR. KIEFFER: Q. Possible you did? MS. MAHONEY: Objection.	2 3 4	THE WITNESS: I may have had a piece in creating it. My piece may have been just taking somebody else's work
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	Page 397		Page 398
1	should move on.	1	BY MR. KIEFFER:
2	BY MR. KIEFFER:	2	Q. Okay. Do me a favor, if you
3	Q. All right. You are not ruling	3	would, turn to page 4 of that document. Page 4
4	out the possibility that you were the one that	4	is entitled "Demand Forecast."
5	pulled these materials together that we have	5	Do you see that?
6	here as what's the exhibit, Exhibit 28?	6	A. Yes.
7	MS. MAHONEY: Objection.	7	Q. Okay. I want to ask you about
8	MS. ZOLNER: Asked and answered.	8	the second bullet here. It says "done by sku by
9	Objection, form.	9	customer monthly by Marketing."
10	THE WITNESS: I find it doubtful	10	Do you see what I'm referring to
11	that I would have on my own prepared	11	there?
12	this document.	12	A. Yes, sir.
13	BY MR. KIEFFER:	13	Q. SKU is an individual product
14	Q. You mean entirely and	14	number. I believe it stands for stock keeping
15	independently	15	unit.
16	A. Yes.	16	Is that what you understand it to
17	Q on your own?	17	be?
18	MS. ZOLNER: Objection, form.	18	A. Yes.
19	THE WITNESS: Yes.	19	Q. So, just as an example,
20	BY MR. KIEFFER:	20	hypothetical example, oxymorphone
21	Q. All right. Without input from	21	extended-release, 7.5 milligrams, that would
22	others?	22	have a discrete SKU assigned to it; would it
23	MS. ZOLNER: Objection, form.	23	not?
24	THE WITNESS: Yes.	24	MS. MAHONEY: Objection.
	Page 399		Page 400
1	Page 399 THE WITNESS: It might have more	1	Page 400 MS. MAHONEY: Objection.
1 2		1 2	
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2	THE WITNESS: It might have more than one.	2	MS. MAHONEY: Objection. BY MR. KIEFFER:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: It might have more than one.  BY MR. KIEFFER:  Q. Okay. Might have more than one based on what, like how many tablets in a given package or something like that?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. KIEFFER:  Q. Okay. So as I understand strike that.  That this this projection of future sales units by month was done by SKU by customer, it was done monthly, and it was done by the marketing department.  Am I interpreting all that correctly?  A. I believe so.  Q. So am I correct that the marketing department at Actavis was able to tell by customer, by month, exactly how much of a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. MAHONEY: Objection. BY MR. KIEFFER: Q. Marketing had all that information and, in fact, it sounds like actually pulled it together each month? MS. MAHONEY: Objection. THE WITNESS: I would take issue with your word we had exactly knew exactly how much a customer would buy each month. We would base our forecast on run rate, on history. BY MR. KIEFFER: Q. Yeah, historical data? A. Yes. Q. Okay. Well, and maybe we're not communicating and maybe it's my fault. I guess I didn't necessarily mean that prospectively you would know precisely what each customer was buying in terms of a particular type, size and strength of opioid. My question was intended to ask
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	than one.  BY MR. KIEFFER:  Q. Okay. Might have more than one based on what, like how many tablets in a given package or something like that?  MS. MAHONEY: Objection.  THE WITNESS: Yes.  BY MR. KIEFFER:  Q. Okay. So as I understand strike that.  That this this projection of future sales units by month was done by SKU by customer, it was done monthly, and it was done by the marketing department.  Am I interpreting all that correctly?  A. I believe so.  Q. So am I correct that the marketing department at Actavis was able to tell by customer, by month, exactly how much of a particular size and strength opioid was being	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. MAHONEY: Objection. BY MR. KIEFFER: Q. Marketing had all that information and, in fact, it sounds like actually pulled it together each month? MS. MAHONEY: Objection. THE WITNESS: I would take issue with your word we had exactly knew exactly how much a customer would buy each month. We would base our forecast on run rate, on history. BY MR. KIEFFER: Q. Yeah, historical data? A. Yes. Q. Okay. Well, and maybe we're not communicating and maybe it's my fault. I guess I didn't necessarily mean that prospectively you would know precisely what each customer was buying in terms of a particular type, size and strength of opioid. My question was intended to ask if you looked retrospectively, you had that

	Page 401		Page 402
1	MS. MAHONEY: Objection.	1	part of your efforts at looking at unit sales
2	MS. ZOLNER: Objection, vague.	2	information, did part of those involve looking
3	THE WITNESS: Yes.	3	at past trends in some of Actavis' customers?
4	BY MR. KIEFFER:	4	MS. MAHONEY: Objection.
5		5	THE WITNESS: That could be a
6		6	consideration.
	particular customer of Actavis' and you wanted	7	BY MR. KIEFFER:
7	to see what their purchase history was three		
8	months ago versus six months ago of a particular	8	Q. For example, are certain
9 10	opioid in a particular size and strength, you could do that?	9	customers showing an increasing purchase history
		10	with respect to certain products?  A. That could have been taken into
11	MS. MAHONEY: Objection.		
12	THE WITNESS: I would have access	12	account to to project the future.
13	to unit sales.	13	Q. Did you ever chart those things,
14	BY MR. KIEFFER:	14	to your recollection?
15	Q. And you said you would have	15	MS. MAHONEY: Objection.
16	access to unit sales, did you from time to time	16	THE WITNESS: I don't recall.
17	access unit sales information?	17	BY MR. KIEFFER:
18	MS. ZOLNER: Objection, form.	18	Q. If you would, sir, turn to page 8
19	THE WITNESS: Yes.	19	of the exhibit in front of you.
20	BY MR. KIEFFER:	20	Page 8 at the top is entitled
21	Q. Okay. And for what purposes did	21	"Product Launches," correct?
22	you access unit sales information?	22	A. Yes, sir.
23	A. For demand forecasting.	23	Q. Okay. And you were involved with
24	Q. Okay. And did part of the did	24	certain product launches in your time at
	Page 403		Page 404
1	Actavis?	1	department confined to generic products, or did
2	A. Yes, with some of them.	2	they support branded products as well?
3	Q. Multiple?	3	A. Yes, no generics.
4	A. Over the years, yes.	4	Q. Only generics?
5	Q. Okay. Any idea how many?	5	A. Only generics.
6	A. No.	6	Q. Okay.
7	Q. Okay. Let me back up and ask you	7	A. Let me qualify that, quantify
8	a question.	8	that.
9	You were in the marketing	9	Only generics but that doesn't
10	department at Actavis, correct?	10	mean that an e-mail didn't come in or something
10 11	department at Actavis, correct?  A. Yes.	10 11	· -
			mean that an e-mail didn't come in or something
11	A. Yes.	11	mean that an e-mail didn't come in or something like that that I had to forward.
11 12	<ul><li>A. Yes.</li><li>Q. And there were obviously others</li></ul>	11 12	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while
11 12 13	A. Yes. Q. And there were obviously others in that department, right?	11 12 13	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right.
11 12 13 14	<ul><li>A. Yes.</li><li>Q. And there were obviously others in that department, right?</li><li>A. Yes.</li></ul>	11 12 13 14	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand.
11 12 13 14 15	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick?	11 12 13 14 15	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use
11 12 13 14 15 16	<ul> <li>A. Yes.</li> <li>Q. And there were obviously others in that department, right?</li> <li>A. Yes.</li> <li>Q. Jinping McCormick?</li> <li>A. Yes.</li> </ul>	11 12 13 14 15 16	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way,
11 12 13 14 15 16 17	<ul> <li>A. Yes.</li> <li>Q. And there were obviously others in that department, right?</li> <li>A. Yes.</li> <li>Q. Jinping McCormick?</li> <li>A. Yes.</li> <li>Q. Okay. She was your boss for a</li> </ul>	11 12 13 14 15 16	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay?
11 12 13 14 15 16 17	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick? A. Yes. Q. Okay. She was your boss for a time?	11 12 13 14 15 16 17	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay? A. Okay.
11 12 13 14 15 16 17 18	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick? A. Yes. Q. Okay. She was your boss for a time? A. For a time, yes.	11 12 13 14 15 16 17 18	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay? A. Okay. Q. This slide, and you take a minute
11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick? A. Yes. Q. Okay. She was your boss for a time? A. For a time, yes. Q. And who did she report to?	11 12 13 14 15 16 17 18 19 20	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay? A. Okay. Q. This slide, and you take a minute to look at it, but it's entitled "Product"
11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick? A. Yes. Q. Okay. She was your boss for a time? A. For a time, yes. Q. And who did she report to? A. I believe she reported at that	11 12 13 14 15 16 17 18 19 20 21	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay? A. Okay. Q. This slide, and you take a minute to look at it, but it's entitled "Product Launches," it looks to me, my eye, that this is
11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And there were obviously others in that department, right? A. Yes. Q. Jinping McCormick? A. Yes. Q. Okay. She was your boss for a time? A. For a time, yes. Q. And who did she report to? A. I believe she reported at that time to Michael Perfetto.	11 12 13 14 15 16 17 18 19 20 21 22	mean that an e-mail didn't come in or something like that that I had to forward.  Q. Once in a while A. A question would come in, right. Q. Got it, okay, I understand. Okay. Let me use let me use the word generic in a totally different way, okay? A. Okay. Q. This slide, and you take a minute to look at it, but it's entitled "Product Launches," it looks to me, my eye, that this is talking about kind of big points related to

	Page 405		Page 406
1	Am I interpreting that correctly?	1	exhibit that's in front of you entitled "Product
2	MS. MAHONEY: Objection.	2	Launches"
3	MS. ZOLNER: Objection, form.	3	A. Yes.
4	BY MR. KIEFFER:	4	Q is it true that the
5	Q. It doesn't mention specific	5	information on that page just describes, in
6	products there and things like that?	6	general terms, some of the things that the
7	A. Yes, this	7	generic marketing department at Actavis did as
8	MS. MAHONEY: Objection.	8	it relates to product launches; it is not
9	THE WITNESS: Yes, this is just	9	focused on any particular product launch?
10	an overview.	10	MS. MAHONEY: Objection.
11	BY MR. KIEFFER:	11	THE WITNESS: I agree with that
12	Q. An overview of what the generic	12	statement, yes.
13	I'm going to call it the generic marketing	13	BY MR. KIEFFER:
14	department at Actavis, some of the things it	14	Q. Okay, fair enough. If you look
15	does in relation to product launches, true?	15	at the bottom portion of the page, this third
16	MS. MAHONEY: Objection.	16	bullet, one of the things that the marketing
17	THE WITNESS: Let me read the	17	department has identified as doing in connection
18	full page.	18	with product launches generally is working with
19	BY MR. KIEFFER:	19	sales and contract on launch strategy and
20	Q. Sure.	20	execution, correct?
21	A. (Witness reviews document.)	21	A. Yes.
22	I'm sorry. Could you repeat your	22	Q. This would be the sales function
23	question now that I've had a chance to review.	23	of Actavis, true?
24	Q. Yeah, let me try. Page 8 of the	24	MS. MAHONEY: Objection.
	Q. Total, let me dy. Tage 6 of the		N.B. N. H.O. (21). Gelection.
	Page 407		Page 408
1	Page 407 THE WITNESS: Yes.	1	Page 408 representatives that do call on physicians
1 2		1 2	
	THE WITNESS: Yes.		representatives that do call on physicians
2	THE WITNESS: Yes. BY MR. KIEFFER:	2	representatives that do call on physicians undisputed, right?
2	THE WITNESS: Yes. BY MR. KIEFFER: Q. That would include, but	2 3	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.
2 3 4	THE WITNESS: Yes.  BY MR. KIEFFER: Q. That would include, but presumably it would not be limited to, sale	2 3 4	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for
2 3 4 5	THE WITNESS: Yes.  BY MR. KIEFFER: Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call	2 3 4 5	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form. BY MR. KIEFFER:
2 3 4 5 6	THE WITNESS: Yes.  BY MR. KIEFFER:  Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?	2 3 4 5 6	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form. BY MR. KIEFFER: Q. The Kadian sales team, for example?
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2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: Yes.  BY MR. KIEFFER: Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: Our generic sales managers, sales directors do not call on physicians.  BY MR. KIEFFER: Q. Okay. They call on wholesalers,	2 3 4 5 6 7 8 9 10 11 12 13	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom
2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: Yes.  BY MR. KIEFFER:  Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, form.  THE WITNESS: Our generic sales managers, sales directors do not call on physicians.  BY MR. KIEFFER:  Q. Okay. They call on wholesalers, distributors, others?	2 3 4 5 6 7 8 9 10 11 12 13 14	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom of page 9 that says "New products are the driver
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: Yes.  BY MR. KIEFFER: Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: Our generic sales managers, sales directors do not call on physicians.  BY MR. KIEFFER: Q. Okay. They call on wholesalers, distributors, others? MS. MAHONEY: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom of page 9 that says "New products are the driver of growth; product launch success is central to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: Yes.  BY MR. KIEFFER: Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection. MS. ZOLNER: Objection, form. THE WITNESS: Our generic sales managers, sales directors do not call on physicians. BY MR. KIEFFER: Q. Okay. They call on wholesalers, distributors, others? MS. MAHONEY: Objection. MS. ZOLNER: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom of page 9 that says "New products are the driver of growth; product launch success is central to our future."
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: Yes.  BY MR. KIEFFER:  Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, form.  THE WITNESS: Our generic sales managers, sales directors do not call on physicians.  BY MR. KIEFFER:  Q. Okay. They call on wholesalers, distributors, others?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection to form.  THE WITNESS: Wholesalers, distributors for their assigned accounts.  BY MR. KIEFFER:  Q. Okay. That's your generic sales	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom of page 9 that says "New products are the driver of growth; product launch success is central to our future."  Do you agree with that statement?  A. Yes.  Q. If you turn, and I'll go through these fairly quickly, turn to page 11.  Actually, turn back to page 10. Sorry about
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Yes.  BY MR. KIEFFER:  Q. That would include, but presumably it would not be limited to, sale representatives who, for example, would go call on customers, physicians, others?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, form.  THE WITNESS: Our generic sales managers, sales directors do not call on physicians.  BY MR. KIEFFER:  Q. Okay. They call on wholesalers, distributors, others?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection to form.  THE WITNESS: Wholesalers, distributors for their assigned accounts.  BY MR. KIEFFER:  Q. Okay. That's your generic sales representatives?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	representatives that do call on physicians undisputed, right?  MS. ZOLNER: Objection to form.  BY MR. KIEFFER:  Q. The Kadian sales team, for example?  MS. MAHONEY: Objection.  THE WITNESS: Yes, I believe so.  That was a different division than I was in.  BY MR. KIEFFER:  Q. Okay. Turn to the next page, if you would, page 9. There's a box at the bottom of page 9 that says "New products are the driver of growth; product launch success is central to our future."  Do you agree with that statement?  A. Yes.  Q. If you turn, and I'll go through these fairly quickly, turn to page 11.  Actually, turn back to page 10. Sorry about that.

	Page 409		Page 410
1	Do you see that?	1	A. Yes.
2	A. Yes.	2	MS. MAHONEY: Objection.
3	Q. And then for several pages behind	3	BY MR. KIEFFER:
4	page 10 there's some examples of different types	4	Q. Did you have a hand in developing
5	of marketing communications, right?	5	this kind of a corporate ad as what we see here?
6	MS. MAHONEY: Objection.	6	MS. MAHONEY: Objection.
7	THE WITNESS: That appears to be	7	THE WITNESS: I believe so, yes.
8	so.	8	BY MR. KIEFFER:
9	BY MR. KIEFFER:	9	Q. Okay. I realize some things in
10	Q. Okay. So if you look at page 11,	10	our professional lives are easier to remember
11	for example, that identifies marketing	11	than others. I would think probably a lot of
12	communications in the form of corporate ads?	12	time and effort and thought goes into these
13	A. Yes.	13	sorts of things, and you probably have some
14	Q. Okay. The one on the left that	14	memory of at least some of them that you had a
15	has flowers in a pot says a number of things, a	15	hand in creating; is that fair?
16	couple of the pieces of information communicated	16	MS. MAHONEY: Objection.
17	there are that there's "650 generics to market,	17	MS. ZOLNER: Objection, form.
18	350 on the way."	18	THE WITNESS: Possibly, yes.
19	Do you see that?	19	BY MR. KIEFFER:
20	-	20	
21		21	Q. Okay. And this one here that
22		22	we're looking at on page 11 with the the one
23	bloom," right?	23	that says "All the right ingredients," your
24	A. Yes.	24	recollection is you had a hand in creating that?
24	Q. A pipeline of generics?	24	MS. MAHONEY: Objection.
	Page 411		Page 412
1	THE WITNESS: I believe I was the	1	market, 350 on the way," right?
2	contact for the ad agency that created	2	A. Yes.
3	that.	3	Q. Okay. This is this is all,
4	BY MR. KIEFFER:	4	and I don't mean to belabor it, but there is a
5	Q. Okay. You would be kind of the	5	distinction obviously between brand and generic?
6	supervisory person at Actavis for this ad?	6	A. Yes.
7	MS. MAHONEY: Objection.	7	Q. This is all exclusively generic
8	THE WITNESS: I would have been	8	advertising, marketing, promotion, all those
9	the person who directed them to make	9	sorts of things, not focused at all on the
10	create an ad.	10	branded business, true?
11	BY MR. KIEFFER:	11	MS. MAHONEY: Objection.
12	Q. Got it, okay. All right.	12	THE WITNESS: It was a corporate
13	How about the one on the right	13	awareness ad. I believe that the
14	here, that's captioned "The building blocks of	14	contents are and the information
15	all we do," did you have a hand in creating	15	provided is about generics, but it was
16	that?	16	to let people know that Actavis was in
17	MS. MAHONEY: Objection.	17	the United States.
18	THE WITNESS: I believe that I	18	BY MR. KIEFFER:
19	was the contract for the ad agency that	19	Q. Okay. If you turn the page over
20	created it.	20	to page 12, here on the right there's an ad,
21	BY MR. KIEFFER:	21	another corporate ad it says "Simply
22	Q. Okay. And, again, this is	22	illuminating."
23	focused on generics with the same line, the	23	Did you have a hand in creating
			•
24	third one down here referencing "650 generics to	24	that one?

	Page 413		Page 414
1	MS. MAHONEY: Objection.	1	creation of these?
2	THE WITNESS: I believe I was the	2	MS. MAHONEY: Objection.
3	contact person for the ad agency who	3	THE WITNESS: No.
4	created this.	4	BY MR. KIEFFER:
5	BY MR. KIEFFER:	5	Q. Page 15, if you would. This one
6	Q. Okay. And, again, this is	6	says "Marketing Communications: Advertorial."
7	focused solely on the generic side of the	7	What's an advertorial?
8	business, right?	8	MS. ZOLNER: Objection,
9	MS. MAHONEY: Objection,	9	foundation.
10	mischaracterizes the testimony.	10	THE WITNESS: It's an
11	THE WITNESS: I believe it's a	11	advertorial can be used in many
12	corporate it's a corporate ad that	12	different ways. In this way, I believe
13	focuses on generics, but it's to raise	13	it was used to talk more extensively
14	corporate awareness.	14	about the company.
15	BY MR. KIEFFER:	15	BY MR. KIEFFER:
16	Q. Okay. All right. If you turn to	16	Q. Okay. You had a hand in creating
17	page 13, there's some examples, it says	17	this, I assume, because it's the same type of
18	"Marketing Communications: Lyrical Sellsheets."	18	thing we saw a few minutes ago?
19	A. Yes.	19	MS. MAHONEY: Objection.
20	Q. And lyrical sell sheet is this	20	THE WITNESS: I was the contact
21	example we have here that is a graphic that's	21	for the advertising agency that created
22	sort of made up of words; is that right?	22	this ad, yes.
23	A. Yes.	23	BY MR. KIEFFER:
24	Q. Okay. Did you have a hand in the	24	Q. Okay. Turn to the next page, if
	Page 415		Page 416
1	Page 415	1	Page 416
1 2	you would, page 16 that's captioned "Marketing	1 2	or receive these e-mails include people like
2	you would, page 16 that's captioned "Marketing Communications: Electronic."	2	or receive these e-mails include people like drug stores, distributors, retailers, those
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2 3 4 5	you would, page 16 that's captioned "Marketing Communications: Electronic." You see that? A. Yes. Q. All right. And it looks like this over here on the right-hand side, there is	2 3 4 5	or receive these e-mails include people like drug stores, distributors, retailers, those sorts of folks?  MS. MAHONEY: Objection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you would, page 16 that's captioned "Marketing Communications: Electronic." You see that? A. Yes. Q. All right. And it looks like this over here on the right-hand side, there is an Actavis ad, correct? A. Mm-hmm. Q. And it looks like that came from Drug Store News, a trade publication, to you, also correct? A. I believe that's what it appears to be from this screen capture. Q. Okay. And this particular ad is for oxycodone hydrochloride in 15-milligram and 30-milligram tablets, correct? A. Yes. Q. And it says "Demand, meet supply," also correct? A. That's what the headline says. Q. Okay. And this is the kind of message whereby Actavis is telling anybody who	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	or receive these e-mails include people like drug stores, distributors, retailers, those sorts of folks?  MS. MAHONEY: Objection.  MS. ZOLNER: Objection, foundation.  THE WITNESS: I don't understand I don't have any knowledge of who Drug Store News' entire readership includes.  BY MR. KIEFFER:  Q. Would you be the one typically who would be making the decision to place this kind of electronic ad in Drug Store News?  MS. ZOLNER: Objection, form.  MS. MAHONEY: Objection.  THE WITNESS: I could propose where to put things, but the final decision was not necessarily mine, and this is not the full ad.
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	Page 417		Page 418
1	A. Yes.	1	MS. MAHONEY: Objection.
2	Q. Okay. So, presumably, you had	2	MS. ZOLNER: Form, foundation.
3	some understanding of who they were?	3	THE WITNESS: I recommended that
4	A. Yes.	4	Actavis spend their money with many
5	MS. MAHONEY: Objection.	5	different trade publications.
6	MS. ZOLNER: Objection to form.	6	BY MR. KIEFFER:
7	BY MR. KIEFFER:	7	Q. Okay. And this particular ad,
8	Q. I mean, they kind of advertise	8	before we leave it, for oxycodone hydrochloride
9	themselves as the number one source of news,	9	tablets, this is Actavis telling the readership
10	knowledge and networking for professionals in	10	of Drug Store News that it has the ability to
11	the multibillion dollar retail pharmacy	11	supply the demand for those particular opioids,
12	marketplace.	12	correct?
13	Is that generally consistent with	13	MS. MAHONEY: Objection.
14	your understanding of who they are?	14	THE WITNESS: That's the
15	MS. MAHONEY: Objection,	15	implication.
16	foundation.	16	BY MR. KIEFFER:
17	MS. ZOLNER: Objection, form.	17	Q. Okay. There I've seen a
18	THE WITNESS: I don't know how	18	number of documents and communications in this
19	they characterize themselves.	19	case where in preparation for your deposition
20	BY MR. KIEFFER:	20	where Actavis is emphasizing as a marketing
21	Q. They're a big trade publication,	21	message its ability to supply the relevant
22	though. That's why you recommended Actavis	22	demand. That was a consistent theme in a lot of
23	spend its money to advertise with them, right?	23	marketing communications; was it not?
24	MS. ZOLNER: Objection.	24	MS. MAHONEY: Objection.
	Page 419		D 100
	rage 117		Page 420
1	THE WITNESS: That could have	1	Turn to the third page of that exhibit, which
1 2		1 2	
	THE WITNESS: That could have		Turn to the third page of that exhibit, which
2	THE WITNESS: That could have been placed that could have been	2	Turn to the third page of that exhibit, which has a number in the lower right-hand corner
2 3	THE WITNESS: That could have been placed that could have been highlighted as a reaction to outside	2	Turn to the third page of that exhibit, which has a number in the lower right-hand corner ACTAVIS0819310.
2 3 4	THE WITNESS: That could have been placed that could have been highlighted as a reaction to outside influences that were going on in the	2 3 4	Turn to the third page of that exhibit, which has a number in the lower right-hand corner ACTAVIS0819310.  All right. You were asked a
2 3 4 5	THE WITNESS: That could have been placed that could have been highlighted as a reaction to outside influences that were going on in the market at the time.	2 3 4 5	Turn to the third page of that exhibit, which has a number in the lower right-hand corner ACTAVIS0819310.  All right. You were asked a number of questions about this section
2 3 4 5 6	THE WITNESS: That could have been placed that could have been highlighted as a reaction to outside influences that were going on in the market at the time.  BY MR. KIEFFER:	2 3 4 5 6	Turn to the third page of that exhibit, which has a number in the lower right-hand corner ACTAVIS0819310.  All right. You were asked a number of questions about this section pertaining to oxymorphone earlier.
2 3 4 5 6 7	THE WITNESS: That could have been placed that could have been highlighted as a reaction to outside influences that were going on in the market at the time.  BY MR. KIEFFER: Q. Do you know?	2 3 4 5 6 7	Turn to the third page of that exhibit, which has a number in the lower right-hand corner ACTAVIS0819310.  All right. You were asked a number of questions about this section pertaining to oxymorphone earlier.  Do you recall those, generally?
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	Page 421		Page 422
1	BY MR. KIEFFER:	1	strengths were available once again so
2	Q. And I thought I understood you to	2	that doctors would know that these
3	say earlier, but I want to make sure that I	3	strengths were available for their
4	understood your answer, I thought I understood	4	patients that they felt they were most
5	you to say that what's referenced here, the 75%,	5	appropriate for.
6	was in reference to the previous in reference	6	BY MR. KIEFFER:
7	to what the monthly sales for the branded	7	Q. Understood. But the goal of
8	product Opana ER had been; is that what you	8	building awareness is to increase sales?
9	said?	9	MS. MAHONEY: Objection.
10	A. I believe something similar to	10	MS. ZOLNER: Objection, form.
11	that. That's what I'm there's no way we had	11	THE WITNESS: The goal of running
12	a 75% market share, so I'm assuming how that was	12	a business is to sell product.
13	interpreted by the person who took the notes.	13	BY MR. KIEFFER:
14		14	
			Q. Right. I mean, what's referenced
15	was a generic equivalent of Opana ER made by	15	here in the first sentence is this 75% market
16	Endo Labs, correct?	16	share phrase, correct?
17	A. Yes.	17	MS. MAHONEY: Objection.
18	Q. And a very specific goal of the	18	THE WITNESS: Yes, but I've
19	product launch of oxymorphone was to try to	19	stated before that I that that is
20	acquire share that or sales that had previously	20	wrong.
21	gone to the Opana branded product, correct?	21	BY MR. KIEFFER:
22	MS. MAHONEY: Objection.	22	Q. Right, you interpret that as on
23	THE WITNESS: Our goal with the	23	July 15th, the product launch by Actavis of
24	launch was to build awareness that the	24	oxymorphone resulted in Actavis acquiring over
	Page 423		Page 424
1	75% of what the comparable Opana product would	1	O. Understood. But in your
1 2	75% of what the comparable Opana product would have sold in a given month?		Q. Understood. But in your experience, these products typically sold?
	have sold in a given month?	1 2 3	experience, these products typically sold?
2	have sold in a given month?  MS. MAHONEY: Objection.	2	experience, these products typically sold?  MS. ZOLNER: Object to form.
2	have sold in a given month?  MS. MAHONEY: Objection.  THE WITNESS: Clarify that. I	2 3 4	experience, these products typically sold?  MS. ZOLNER: Object to form.  MS. MAHONEY: Objection.
2 3 4	have sold in a given month?  MS. MAHONEY: Objection.  THE WITNESS: Clarify that. I believe that the 75% that she is saying	2	experience, these products typically sold?  MS. ZOLNER: Object to form.
2 3 4 5	have sold in a given month?  MS. MAHONEY: Objection.  THE WITNESS: Clarify that. I believe that the 75% that she is saying here is it could be the units that	2 3 4 5 6	experience, these products typically sold?  MS. ZOLNER: Object to form.  MS. MAHONEY: Objection.  THE WITNESS: I have no idea what the return rate was on the initial
2 3 4 5 6 7	have sold in a given month?  MS. MAHONEY: Objection.  THE WITNESS: Clarify that. I believe that the 75% that she is saying here is it could be the units that Opana used to sell. Let my characterize	2 3 4 5 6 7	experience, these products typically sold?  MS. ZOLNER: Object to form.  MS. MAHONEY: Objection.  THE WITNESS: I have no idea what the return rate was on the initial shipments of Opana ER.
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	Page 425		Page 426
1	MS. ZOLNER: Object to form.	1	with? Oh, okay, I see.
2	THE WITNESS: I believe the	2	Q. "We are focusing on creating
3	spirit of what she is reporting here is	3	awareness and want to target physicians to
4	the successful launch and shipment of	4	continue to write and increase their scripts,"
5	product on time on a specific date.	5	correct?
6	BY MR. KIEFFER:	6	A. Yes.
7	Q. Was 75% actually, she says	7	Q. Okay. That kind of speaks for
8	over 75% of in your interpretation what Opana	8	itself, doesn't it?
9	had been doing?	9	MS. MAHONEY: Objection.
10	MS. MAHONEY: Objection, asked	10	THE WITNESS: I don't know how
11	and answered.	11	you are interpreting that.
12	THE WITNESS: I don't know where	12	BY MR. KIEFFER:
13	she came up with the 75%.	13	Q. Well, increase in scripts would
14	BY MR. KIEFFER:	14	certainly appear to be increasing the
15	Q. Okay, fair enough. Okay. Let me	15	prescriptions of this particular product,
16	skip down here a little bit.	16	oxymorphone?
17	She states, "We are focusing on	17	A. It's not increasing the
18	creating awareness and want to target physicians	18	prescriptions of oxymorphone. It's not to get
19	to continue to write and increase their	19	more patients on oxymorphone. It's to build
20	scripts."	20	awareness of the two strengths that we had
21	Do you see that?	21	launched. To build to increase sales from
22	A. Let me see. (Witness reviews	22	zero, because the brand had discontinued the
23	document.)	23	product, to back to whatever it was deemed by
24	What does the sentence start	24	the doctors felt those strengths were
	Page 427		Page 428
1	appropriate for their patients.	1	again.
2	Q. Okay. Now, you didn't write this	2	BY MR. KIEFFER:
3	material we have here in front of us on page	3	Q. Yeah. You're just giving us your
4	19310, right?	4	own interpretation of what Ms. Stoedter has
5	A. No, sir.	5	written here about physicians increasing
6	Q. Okay. And do you have a specific	6	scripts, correct?
7	recollection of this meeting?	7	MS. MAHONEY: Objection.
8	A. No, I don't.	8	THE WITNESS: Yes.
9	Q. Okay. And I take it how do	9	BY MR. KIEFFER:
10	you pronounce Karen's last name?	10	Q. Okay. All right. She goes on to
11	A. Stoedter.	11	state here, we have booked Pharmacy Times,
12	Q. I take it you haven't talked to	12	August, and will work with major wholesalers and
13	her recently and asked her to interpret for you	13	chains to target doctors and patients to get the
14	what she meant here?	14	word out to utilize the generic.
15	A. No.	15	Do you see that?
16	MS. MAHONEY: Objection.	16	A. Yes, I do.
17	BY MR. KIEFFER:	17	Q. Okay. You took issue earlier
18	Q. Okay. So you're kind of giving	18	with the reference to targeting doctors and
19	this your own interpretation, particularly as	19	patients, did I understand, yes?
20	she references the reference to increasing these	20	A. Yes.
		21	<ul><li>Q. Okay. Certainly, major chains,</li></ul>
21	scripts, right?		
21 22	MS. MAHONEY: Objection. That's	22	retail chains, they interface with patients,
21 22 23	MS. MAHONEY: Objection. That's actually what you're asking him to do.	22 23	retail chains, they interface with patients, right?
21 22	MS. MAHONEY: Objection. That's	22	retail chains, they interface with patients,

	Page 429		Page 430
1	MS. MAHONEY: Objection.	1	interpreting a fast-paced conversation.
2	BY MR. KIEFFER:	2	BY MR. KIEFFER:
3	Q. Target has a pharmacy, Publix has	3	Q. No, I'm asking you if assume
4	a pharmacy, right?	4	with me for a moment that Actavis was
5	MS. MAHONEY: Objection.	5	undertaking activities whereby it was working
6	THE WITNESS: They all have	6	with major wholesalers and chains to target
7	pharmacies, and they do interact with	7	doctors and patients for this particular generic
8	patients, but they don't actively sell	8	opioid oxymorphone, would that be a problem, in
9	or promote drugs to patients.	9	your view?
10	BY MR. KIEFFER:	10	MS. MAHONEY: Objection, calls
11	Q. Would it be a problem, in your	11	for speculation.
12	view, if Actavis was working with major	12	MS. ZOLNER: Objection,
13	wholesalers and chains to target doctors and	13	foundation.
14	patients	14	THE WITNESS: I would find that
15	MS. MAHONEY: Objection.	15	very surprising and unlikely.
16	BY MR. KIEFFER:	16	BY MR. KIEFFER:
17	Q about its oxymorphone product?	17	Q. Okay. Whether it's surprising
18	MS. MAHONEY: Objection.	18	and unlikely or not, if it took place, would it
19	MS. ZOLNER: Object to form,	19	be a problem, in your view?
20	foundation.	20	MS. MAHONEY: Objection.
21	THE WITNESS: That is an	21	MS. ZOLNER: Objection, calls for
22	erroneous statement. Karen Stoedter is	22	speculation.
23	not a marketing professional. She is	23	THE WITNESS: You are asking for
24	merely the scribe, and she is	24	my personal opinion?
24	merery the seribe, and she is	24	my personal opinion:
	Page 431		Page 432
1	Page 431 BY MR. KIEFFER:	1	Page 432 sir, what you've written in the e-mail here on
1 2		1 2	
	BY MR. KIEFFER:		sir, what you've written in the e-mail here on
2	BY MR. KIEFFER: Q. Sure.	2	sir, what you've written in the e-mail here on the first page of this particular exhibit?
2	BY MR. KIEFFER: Q. Sure. MS. MAHONEY: Objection.	2 3	sir, what you've written in the e-mail here on the first page of this particular exhibit?  A. From me to Karen Stoedter, how
2 3 4	BY MR. KIEFFER: Q. Sure. MS. MAHONEY: Objection. BY MR. KIEFFER:	2 3 4	sir, what you've written in the e-mail here on the first page of this particular exhibit?  A. From me to Karen Stoedter, how much do you wanna bet this becomes a
2 3 4 5	BY MR. KIEFFER: Q. Sure. MS. MAHONEY: Objection. BY MR. KIEFFER: Q. As a 25-year professional in the	2 3 4 5	sir, what you've written in the e-mail here on the first page of this particular exhibit?  A. From me to Karen Stoedter, how much do you wanna bet this becomes a  MS. MAHONEY: This is not a
2 3 4 5 6	BY MR. KIEFFER: Q. Sure. MS. MAHONEY: Objection. BY MR. KIEFFER: Q. As a 25-year professional in the generic pharmaceuticals field, if the company	2 3 4 5 6	sir, what you've written in the e-mail here on the first page of this particular exhibit?  A. From me to Karen Stoedter, how much do you wanna bet this becomes a  MS. MAHONEY: This is not a reading exercise. You can read it to
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	Page 433		Page 434
1	read it to himself, and you can read it	1	the radio.
2	into the record.	2	BY MR. KIEFFER:
3	BY MR. KIEFFER:	3	Q. As have I. Jefferson Airplane
4	Q. All right. "How much you wanna	4	song, right?
5	bet this becomes a competition? First Jinping	5	A. I believe so.
6	will include charts and a graph. Then, because	6	Q. It's about drug abuse; is it not?
7	the gauntlet had been thrown, I'll add custom	7	MS. MAHONEY: Objection.
8	photos and graphics maybe music will play	8	THE WITNESS: I don't know what
9	when you open the mail. Something	9	it's about.
10	'pharmaceutical.' Like the song 'White	10	BY MR. KIEFFER:
11	Rabbit' one pill makes you bigger, and one	11	Q. Honestly?
12	pill makes you small and the ones that mother	12	MS. ZOLNER: Objection.
13	gives you, don't do anything at all!"	13	MS. MAHONEY: Objection.
14	Did I read that correctly?	14	THE WITNESS: It's artistic and
15	A. I believe that you did.	15	subject to the person who hears it. I
16	Q. Okay. You made a refer you	16	believe they're talking about Alice in
17	know that song; you're familiar with the lyrics,	17	Wonderland. How you interpret it I
18	right?	18	mean, isn't that a portion of that song?
19	A. Vaguely familiar with it, yes.	19	It was 30 years ago, 40 years ago.
20	Q. Looks like a little more than	20	BY MR. KIEFFER:
21	vague here. I looked it up and it looks like	21	Q. You reference to subject to the
22	you had it pretty much perfect?	22	person who hears it, earlier when you were being
23	MS. MAHONEY: Objection.	23	asked questions about this, you volunteered, you
24	THE WITNESS: I've sung along to	24	said, well, that wasn't a reference to opioids,
			, , ,
	Page 435		D 426
	rage 433		Page 436
1	but I could see how it could be viewed that way.	1	pending?
1 2		1 2	
	but I could see how it could be viewed that way.		pending?
2	but I could see how it could be viewed that way.  Do you recall that testimony?	2	pending? BY MR. KIEFFER:
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	Page 437		Page 438
1	facetious, humorous look at how could	1	conversation with anybody in the marketing
2	you increase this to make the meeting	2	department, even just around the proverbial
3	notes more interesting, humorous,	3	water cooler where you or anybody else said
4	whatever, how could you embellish those	4	maybe we're adding fuel to the fire of this
5	in a farce.	5	opioid epidemic?
6	This meeting note is not about	6	MS. MAHONEY: Objection.
7	the launch of just opioids. This weekly	7	THE WITNESS: I don't remember
8	meeting is part of a entire business	8	ever discussing the opioid epidemic, so
9	review of all products could be on here.	9	to speak, if it is one, with anyone at
10	So that conversation was not related to	10	work.
11	the launch of any specific product,	11	BY MR. KIEFFER:
12	including oxymorphone.	12	Q. Not ever, never came up?
13	BY MR. KIEFFER:	13	A. I don't have
14	Q. Do you recall how that song ends?	14	MS. MAHONEY: Objection.
15	A. No, I don't.	15	THE WITNESS: I don't have any
16	Q. Feed your head, feed your head;	16	recollection.
17	is that familiar to you at all?	17	BY MR. KIEFFER:
18	MS. MAHONEY: Objection.	18	Q. Okay. What you all were focused
19	THE WITNESS: No.	19	on were efforts aimed at marketing and
20	BY MR. KIEFFER:	20	increasing sales and maximizing profit, true?
21	Q. Okay. In the time that you were	21	MS. ZOLNER: Objection.
22	I've got like two more questions.	22	MS. MAHONEY: Objection.
23	In the time you were at Actavis,	23	MS. ZOLNER: Mischaracterizes
24	did you ever participate in any kind of	24	testimony. Objection, form.
			,
	Page 439		Page 440
1	THE WITNESS: We were focused on	1	5:54 p.m. December 13th, 2018, going off
2		_	3.34 p.m. December 13th, 2016, going on
4	our individual goals as employees.	2	the record. This is the end of the
3	our individual goals as employees. BY MR. KIEFFER:		
		2	the record. This is the end of the
3	BY MR. KIEFFER:	2 3	the record. This is the end of the videotape deposition.
3 4	BY MR. KIEFFER: Q. Which certainly included	2 3 4	the record. This is the end of the videotape deposition.
3 4 5	BY MR. KIEFFER:  Q. Which certainly included increasing sales and maximizing profit?	2 3 4 5	the record. This is the end of the videotape deposition.
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	Page 441	Page 442
1	CERTIFICATION	1
2	I, MARGARET M. REIHL, a	2 E R R A T A
3	Registered Professional Reporter,	3
4	Certified Realtime Reporter, Certified	4 PAGE LINE CHANGE
5	Shorthand Reporter, Certified LiveNote	5
6	Reporter and Notary Public, do hereby	6 REASON:
7	certify that the foregoing is a true and	7
8	accurate transcript of the testimony as	8 REASON:
9	taken stenographically by and before me	9
10	at the time, place, and on the date	10 REASON:
11	hereinbefore set forth.	11
12	I DO FURTHER CERTIFY that I	12 REASON:
13	am neither a relative nor employee nor	13
14	attorney nor counsel of any of the	14 REASON:
15	parties to this action, and that I am	15
16	neither a relative nor employee of such	16 REASON:
17	attorney or counsel, and that I am not	17
18	financially interested in the action.	18 REASON:
19 20		19
21		20 REASON:
Z 1	Margaret M. Reihl, RPR, CRR, CLR	21
22	CSR #XI01497 Notary Public	22 REASON:
23	CSR #A101497 Notary I dolle	23
24		24 REASON:
	Page 443	
1 2	ACKNOWLEDGMENT OF DEPONENT	
3	I, DAVID A. MYERS, JR., do hereby	
4	certify that I have read the foregoing	
5	pages, and that the same is a correct	
6	transcription of the answers given by me	
7 8	to the questions therein propounded, except for the corrections or changes in	
9	form or substance, if any, noted in the	
10	attached Errata Sheet.	
11		
12		
13		
14 15	DAVID A. MYERS, JR. DATE	
16	Subscribed and sworn to before me this	
	day of, 2018.	
17	My commission expires:	
18	2.2) Commission express	
19		
2.2	Notary Public	
20 21		
22		
23		
24		